

L A W S

OF THE

STATE OF INDIANA,

PASSED AT

THE SPECIAL SESSION

OF THE

GENERAL ASSEMBLY,

BEGUN ON THE 24<sup>TH</sup> DAY OF APRIL, A. D., 1861.

---

BY AUTHORITY.

---

INDIANAPOLIS:  
BERRY R. SULGROVE, STATE PRINTER.  
1861.



# L A W S

PASSED AT THE EXTRA SESSION OF 1861.

---

## CHAPTER I.

AN ACT making additional general appropriations for the years 1861 and 1862, and defining the funds from which they are to be paid, and providing for a committee to audit claims upon said appropriation and providing for the expense thereof.

[APPROVED MAY 31, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sum of one million dollars be, and the same is hereby appropriated to defray the expenses growing out of the insurrectionary condition of a portion of the United States, and in enlisting, maintaining and subsisting troops and providing munitions of war, including, also, the expense of this session of the General Assembly. One million dollars appropriated.

SEC. 2. That the sum of three thousand dollars is hereby appropriated, payable out of the appropriation made in the first section of this act, to defray the expenses of printing, including the expense of translating such matter as is required to be printed in the German language. Amount appropriated to translate laws into German language.

SEC. 3. That the sum of fifteen thousand dollars be appropriated to pay the expense of the present General Assembly, in addition to the sum heretofore appropriated: *Provided,* That both the present and former appropriations shall be paid out of the one million dollars appropriated in section one of this act. Appropriation to pay Legislative expenses.

SEC. 4. That the sum of one thousand dollars be appropriated to pay the incidental expenses of the Adjutant General's Office, which sum is to include the amount already expended for that purpose, said sum to be paid out of the sum appropriated by the first section of this act. Adjutant General's office.

Auditing Committee.

SEC. 5. That there shall be appointed a committee, consisting of two members of the House and one of the Senate, to be denominated an Auditing Committee, whose duty it shall be to meet at Indianapolis monthly and examine and audit the accounts of the Commissary General and Quartermaster General, and all other accounts, either for pay of men or materials of any kind purchased and designed to be paid for out of the appropriation made in the first section of this act; and the Auditor of State is expressly prohibited from paying any claim of any description whatever, except for legislative expenses, out of the appropriation made in the first section of this act, until said claim has been audited and certified by said committee or a majority of them.

Auditing committee have power to employ clerk.

SEC. 6. Said committee shall have power to employ a clerk; they shall make out a regular balance sheet each month, which, together with the proper vouchers shall be carefully preserved. They shall have power to direct the proper forms to be used for accounts and vouchers, and require all to be made in accordance with such forms.

Compensation allowed to committee.

SEC. 7. They shall each receive the sum of three dollars per day for each day they may be necessarily employed in the discharge of their duties, and five cents per mile for the distance traveled in going to and returning from their attendance upon such duties, which, together with clerk hire, shall be paid out of the money appropriated in the first section of this act.

Additional incidentals for Treasurer's office, State House, binding laws, &c., and Supreme Court reports.

SEC. 8. That the following sums be, and they are hereby, appropriated in addition to the sums appropriated at the regular session to defray the general expenses of the State and payable out of the general fund, to-wit:

For incidental expenses of the Treasurer's office, eight hundred and fifty dollars.

For lights, fuel, repairs of State House and fences, nine hundred dollars.

For binding Laws, Journals, Brevier Reports, Census Returns, and Laws of the United States, three thousand dollars: *Provided*, The laws of the regular session and this special session shall be bound in the same volume.

For Supreme Court Reports for the year 1861, one thousand dollars, and for the year 1862, one thousand dollars, in addition to sums heretofore appropriated.

Incidental expenses for Governor's office.

SEC. 9. That there be appropriated for incidental expenses of the Governor's office, in addition to former appropriations, the sum of fifteen hundred dollars, payable out of the sum appropriated in the first section of this act.

State Printer's unsettled accounts.

SEC. 10. The unsettled accounts for State Printing executed according to law previous to the year 1861, when ascertained and certified to be correct by the Secretary of State,

shall be allowed and paid out of the money appropriated for printing for the years 1861 and 1862.

SEC. 11. That the Governor, Adjutant General, and Treasurer of State shall report to the General Assembly at its next session, the amount of money expended and the specific items for which expended under the specific appropriations made to their respective offices in this act, and the Librarian shall make a like report of the money expended by him under the appropriations made in this act.

Governor, Adjutant General, Treasurer of State, and State Librarian to report to General Assembly.

SEC. 12. It is declared that an emergency exists for the immediate taking effect of this act, therefore it shall be in force from and after its passage.

Emergency declared.

---

## CHAPTER II.

AN ACT making an appropriation to defray the expense of preparing to respond to the call of the President of the United States for troops.

[APPROVED MAY 6, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the sum of one hundred thousand dollars be, and the same is hereby, appropriated to the Governor's contingent fund for the purpose of paying the expense of calling out and sustaining the militia, under the requisition of the President of the United States, and that the same shall be drawn on the order of the Governor specifying the articles and from whom purchased, the services rendered, and by whom, and that said order shall be in the Auditor's office before a warrant is issued therefor, except in such cases where the same may be deemed inexpedient by the Governor, but that he keep a detailed statement thereof, and report to the ensuing General Assembly all disbursements by him made out of said fund, specifying each item thereof.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, therefore it shall take effect and be in force from and after its passage.

## CHAPTER III.

AN ACT making appropriations for the Hospital for the Insane.

[APPROVED MAY 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of meeting the necessary and current expenses of the Hospital for the Insane, the following sums are hereby appropriated, namely: Two thousand dollars for the purpose of purchasing coal for said Hospital; four hundred dollars for roofing and repairing the roof of the building of said Hospital, and three hundred dollars for bedding for said Hospital.

SEC. 2. And whereas an emergency exists for the immediate taking effect of this act, therefore it shall take effect and be in force from and after its passage.

---

## CHAPTER IV.

AN ACT appropriating fifteen thousand dollars for the expenses of the present Special Session of the Legislature.

[APPROVED MAY 1, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the sum of fifteen thousand dollars is hereby appropriated for the legislative expenses of the present special session of the General Assembly.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, and the same shall be in force from and after its passage.

## CHAPTER V.

AN ACT making additional specific appropriations for the year 1861.

[APPROVED JUNE 3, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the following sums be appropriated for the purposes specified, to be paid out of the general fund, to-wit:

SEC. 2. That J. W. Johnson & Co., be allowed the sum of forty-eight dollars for books for law library. J. W. Johnson & Co.

SEC. 3. That H. A. Fletcher & Co. be allowed the sum of sixty-five dollars and twelve cents for goods furnished as per bill. H. A. Fletcher & Co.

SEC. 4. That T. A. Goodwin be allowed the sum of fifty dollars for 100 copies of Indiana American during the regular session. T. A. Goodwin.

SEC. 5. That A. D. Wood be allowed the sum of three dollars and six cents for goods for State House. A. D. Wood.

SEC. 6. That H. A. Fletcher & Co. be allowed the sum of nineteen dollars and twenty-five cents for sundry articles of merchandise for State House, as per bill. H. A. Fletcher & Co.

SEC. 7. That Spiegel & Thoms be allowed the sum of thirty dollars for two dozen chairs. Speigel & Thoms.

SEC. 8. That R. D. Brown be allowed the sum of ten dollars and fifty cents for cash paid for repairing clock and making diagrams of Senate and House. R. D. Brown.

SEC. 9. That J. H. Ross be allowed the sum of twenty-five dollars for 200 bushels coal for State House. J. H. Ross.

SEC. 10. That Jacob Lindley be allowed the sum of one dollar and fifteen cents for pitcher and tumblers. Jacob Lindley.

SEC. 11. That J. B. Wilson be allowed the sum of one dollar for pair of shears for Senate. J. B. Wilson.

SEC. 12. That Robert Browning be allowed the sum of seventy cents for soap. R. Browning.

SEC. 13. That Bennett & Brooks be allowed the sum of three dollars for covering sky light. Bennett & Brooks.

SEC. 14. That R. L. & A. W. McOuat be allowed the sum of nine dollars and sixty-five cents for spittoons, buckets, dip-pers, &c. R. L. & A. W. McOuat.

SEC. 15. That Zeigler & Elliot be allowed the sum of one dollar and fifty-five cents for carpet and tape. Zeigler & Elliot.

SEC. 16. That the sum of six hundred and fifty dollars be allowed the State Board of Agriculture for fence, building, State Board Ag-  
riculture.

&c., on Camp Sullivan, according to a contract made with the Librarian in 1860.

- A. A. Chapin. SEC. 17. That A. A. Chapin be allowed the sum of fifty-six dollars and seventeen cents for balance due him for salary as prosecuting attorney prior to 1861.
- R. Browning. SEC. 18. That Robert Browning be allowed the sum of eighty cents for paste and soap furnished at regular session.
- J. D. Bush. SEC. 19. That John D. Bush, Auditor of Ohio county, be allowed the sum of ten dollars for four days' services as member of Board of Equalization for Fourth Congressional District.
- Geo. W. Burns. SEC. 20. That George W. Burns be allowed the sum of six dollars for services as Assistant Sergeant-at-Arms, which sum was appropriated in 1857, (see Specific Appropriations of that year) and which has not be paid.
- H. H. Nelson. SEC. 21. That Henry H. Nelson, Sheriff of Supreme Court, be allowed the sum of one hundred and sixty-six dollars for rent of rooms and purchase of furniture for Judges of Supreme Court, as per bill rendered.
- D. Braden. SEC. 22. That David Braden be allowed the sum of two dollars and fifty cents for scoop for regular session.
- SEC. 23. That the following sums are appropriated for the purposes specified, to be paid out of an appropriation of one million of dollars, made at the present session, to defray the expense of enlisting, maintaining, and paying troops, &c., and for defraying the expense of this session of the General Assembly.
- John Lanahan. SEC. 24. That John Lanahan be allowed the sum of sixty-six dollars for forty-four days' work at one dollar and fifty cents per day for work during the present session, and four days before the commencement.
- Stout & Bro. SEC. 25. That B. G. Stout & Bro. be allowed the sum of two dollars and forty cents for one dozen brooms.
- J. Griffin. SEC. 26. That James Griffin be allowed the sum of one dollar and fifty cents per day for forty-four days' labor done during the present session, and four days previous.
- Sheets & Braden. SEC. 27. That Sheets & Braden be allowed the sum of sixty dollars and five cents for stationery furnished the present General Assembly.
- W. H. Roll. SEC. 28. That W. H. Roll be allowed the sum of one dollar for curtains in Representative Hall.
- J. W. Gordon. SEC. 29. That J. W. Gordon, late Principal Clerk, be allowed the sum of fifteen dollars for one day's services in organizing the present House.
- R. D. Brown. SEC. 30. That R. D. Brown, State Librarian, be allowed the sum of one hundred dollars for extra services in procuring and distributing stationery to members during the present session.



SEC. 31. That M. P. Hayden be allowed the sum of six dollars for one day's services as Clerk to the Judiciary Committee, and one day as Enrolling Clerk, during the present session. M. P. Hayden.

SEC. 32. That Merrill & Co. be allowed the sum of thirty cents for stationery. Merrill & Co.

SEC. 33. That Wm. H. Morrison be allowed the sum of one thousand dollars for cash loaned to the State prior to the commencement of the present session. W. H. Morrison.

SEC. 34. That the Indianapolis Journal Company be allowed the sum of four hundred and one dollars for the Indiana Journal furnished the House of Representatives during the present session. Journal Co.

SEC. 35. That Bingham & Doughty be allowed the sum of three hundred and ninety-nine dollars for the Indiana State Sentinel furnished during the present session. Bingham & Doughty.

SEC. 36. That Richard Henninger be allowed the sum of one hundred and twenty-three dollars and sixty cents for Free Press (German) furnished the House of Representatives during the present session. R. Henninger.

SEC. 37. That Julius Boetticher be allowed the sum of one hundred and twenty-three dollars and sixty cents for weekly Volksblatt furnished the House of Representatives during the present session. J. Boetticher.

SEC. 38. That J. P. Jones be allowed the sum of fifteen dollars for services as clerk to the commissary committee and swearing witnesses. J. P. Jones.

SEC. 39. That William Wherrett be allowed the sum of three dollars for one day's services as clerk to investigating committee. W. Wherrett.

SEC. 40. That John M. White be allowed the sum of eighteen dollars and eighty cents for five days' services as messenger to investigating committee and cash spent. J. M. White.

SEC. 41. That Robert Browning be allowed the sum of one dollar and ten cents for soap and brushes. R. Browning.

SEC. 42. That Sheets & Braden be allowed the sum of one hundred and forty dollars and ninety-five cents for stationery for the use of the General Assembly. Sheets & Braden.

SEC. 43. That Henry Crawford, Principal Clerk of the House, be allowed the sum of one hundred and sixty dollars for forty days' services during the present session. H. Crawford.

SEC. 44. That J. J. Hayden, Enrolling, A. H. Brown, Engrossing, C. D. Murray, Reading, and Edwin Downing, Assistant Clerks, be each allowed the sum of one hundred and sixty dollars for forty days' services during the present session. Enrolling, engrossing, reading, and assistant clerks.

SEC. 45. That Francis Cunningham and Livingston Howland be each allowed the sum of one hundred and sixty dol- F. Cunningham & L. Howland.

lars for forty days' services as Journal Clerks during the present session.

Doorkeeper and assistants. SEC. 46. That J. D. Mathes, Principal Doorkeeper, and John H. Johnson, Assistant Doorkeeper, and John Campbell each be allowed the sum of one hundred and twenty dollars for forty days' services during the present session.

S. W. Smith. SEC. 47. That S. W. Smith, Folding Clerk, be allowed the sum of one hundred and eight dollars for thirty-six days' services during the present session.

J. H. Myer. SEC. 48. That John H. Myer be allowed the sum of forty-five dollars for thirty days' services as Mail Messenger during the present session.

P. Bollier. SEC. 49. That Paul Bollier be allowed the sum of one hundred and twenty dollars for forty days' services for cleaning spittoons, sweeping Halls, &c., during the present session.

Messenger boys. SEC. 50. That Eugene Bundy and Allen Greenhow and James Willard, Messenger Boys, be each allowed the sum of one hundred dollars for forty days' services during the present session.

J. T. Johnson. SEC. 51. That James T. Johnson be allowed the sum of six dollars for two days services as Doorkeeper at the organization of the present session.

A. P. Newkirk. SEC. 52. That Azel P. Newkirk, Assistant Clerk, Isaac P. Smith, Registering Clerk, and James Z. Gower, Messenger of the House, be allowed the sum of one hundred and sixty dollars for forty days' services during the present session.

C. E. Griffith. SEC. 53. That Charles E. Griffith be allowed the sum of one hundred and forty dollars for thirty-five days' services as Journal Clerk during the present session.

Stewart & Bowen. SEC. 54. That Stewart & Bowen be allowed the sum of two dollars and fifty-five cents for India Rubber bands furnished at the regular session, to be paid out of the general fund.

Bingham & Doughty. SEC. 55. That Bingham & Doughty be allowed the sum of nine dollars for publishing monthly statement of Auditor and Treasurer for November, 1860, and publishing an act to change the time of holding Courts, payable out of the general fund.

F. Cunningham. SEC. 56. That Frank Cunningham be allowed nine dollars for clerking three days for Committee on Military Affairs.

For preparing and indexing Journal. SEC. 57. That the sum of one hundred dollars be allowed for preparing the index and superintending the printing the Journal of the present extra session of the Legislature, to be divided equally between the Principal and First Assistant Clerks of the House.

W. Sheets. SEC. 58. That William Sheets be allowed the sum of nineteen dollars and twenty-five cents for stationery furnished for the present session, payable out of the one million appropriation.

SEC. 59. That A. Haywood be allowed the sum of thirty dollars for work done in fitting up the Hall of the House of Representatives. A. Haywood.

SEC. 60. That A. Haywood be allowed the sum of twenty-two dollars for eleven days' work in fitting up Senate Chamber and the Hall of the House of Representatives. A. Haywood.

SEC. 61. That A. E. and W. H. Drapier be allowed the sum of four hundred and ninety-eight dollars for Brevier Reports of present session, payable out of the fund appropriated to suppressing insurrection, in accordance with a contract by the Doorkeeper in pursuance of a resolution of the House. A. E. & W. H. Drapier.

SEC. 62. That Merrill & Co. be allowed the sum of twenty-two dollars and thirty-five cents for stationery furnished for the present session, payable out of the one million appropriation. Merrill & Co.

SEC. 63. That James Corrico be allowed the sum of thirty dollars and fifty cents for balance due him for sawing and splitting wood during the regular session, payable out of the general fund. Jas. Corrico.

SEC. 64. That Isaac P. Smith be allowed the sum of thirty dollars for making a list of acts passed at the present session for publication and forwarding the same to members. I. P. Smith.

SEC. 64½. That James T. Brown be allowed twenty-four dollars for six days' services as Assistant Clerk of the Senate. J. T. Brown.

SEC. 65. That William Strange be allowed five dollars for enrolling at the regular session of 1861. W. Strange.

SEC. 66. That Thomas D. Barker be allowed fifty dollars, amount paid A. W. Latimore one of the Messengers to the Investigating Committee of the Northern Prison at the regular session of 1861. T. D. Barker.

SEC. 67. That Bingham, Doughty & Co. be allowed the sum of two hundred and thirty-one dollars for papers and stamps furnished the Senate at the present session. Bingham, Doughty & Co.

SEC. 68. That the Indianapolis Journal Company be allowed the sum of two hundred and thirty-one dollars for papers and stamps for the use of the Senate at the present session. Journal Co.

SEC. 69. That A. E. & W. H. Drapier be allowed the sum of four hundred and ninety-eight dollars for six hundred copies of Brevier Legislative Reports furnished for the use of the Senate, twelve copies to be sent to each Senator. A. E. & W. H. Drapier.

SEC. 70. That James N. Tyner be allowed the sum of fifteen dollars for services as Secretary of the Senate at the organization of the present session. J. N. Tyner.

SEC. 71. That Thomas M. Browne, Principal Secretary of the Senate, and William H. Drapier, Assistant Secretary of the Senate, George W. Palmer, and Francis P. Griffith be each Secretary and assistants, of Senate.

allowed the sum of one hundred and sixty dollars for forty days' service for Senate.

L. R. Hartman. SEC. 72. That Lemuel R. Hartman be allowed the sum of one hundred and fifty-six dollars for thirty-nine days' services as Assistant Clerk of the Senate.

F. Foote. SEC. 73. That Frank Foote be allowed thirty-two dollars for eight days services as Assistant Clerk of the Senate at the present session.

Jas. A. Smith. SEC. 74. That James A. Smith be allowed eight dollars for two days' services as Assistant Clerk of the Senate.

C. Griffin. SEC. 75. That Charles Griffin be allowed twenty-four dollars for six days' services as Enrolling Clerk of the Senate.

S. I. Thompson. SEC. 76. That Samuel J. Thompson, Principal Doorkeeper, be allowed the sum of one hundred and sixty dollars for forty days' services at the present session, of which sum forty dollars is for extra services and money paid out by him, attending Joint Commissary Investigating Committee.

H. Vandegrift. SEC. 77. That Henry Vandegrift, First Assistant Doorkeeper of the Senate be allowed the sum of one hundred and twenty dollars for forty days' services during the present session.

J. Newbanks. SEC. 78. That James Newbanks be allowed the sum of one hundred and twenty dollars for forty days' services as Assistant Doorkeeper of the Senate.

Messenger and pages. SEC. 79. That Charles Cochran, Messenger, Frank Connell and Charles Dennis, pages, be each allowed the sum of one hundred dollars for forty days' service each at the present session of the Senate.

J. Bolier. SEC. 80. That Julius Bolier be allowed the sum of forty dollars for cleaning spittoons of the Senate Chamber at this session.

R. Browning. SEC. 81. That Robert Browning be allowed one dollar and forty cents for sundries furnished Senate at the last regular session.

Indexing Senate Journal. SEC. 82. That Thomas M. Browne, Principal Secretary, and William H. Drapier, Assistant, each be allowed the sum of fifty dollars for indexing Journals of the Senate of the present session.

S. Hazzard. SEC. 83. That Samuel Hazzard be allowed twelve dollars for four days' services as Doorkeeper of the House of Representatives.

Wm. Grose. SEC. 84. That William Grose be allowed the sum of twelve dollars, as per contract, for writing the report for the Committee on State Prison.

Emergency declared. SEC. 85. It is declared that an emergency exists, therefore this act shall take effect and be in force from and after its passage.

## CHAPTER VI.

AN ACT to provide for the defense of the State of Indiana, to procure first class arms, artillery, cavalry and infantry equipments and munitions of war, making the necessary appropriations therefor, and authorizing the Governor to borrow money.

[APPROVED <sup>11 AM</sup> APRIL 1, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of putting the State of Indiana in a condition of defence, and for supporting the Government and maintaining the laws of the land, the Governor is hereby directed and authorized to procure immediately a supply of first class arms sufficient for twenty thousand men, including such as are now on hand and fit for service, and such as he may be able to procure from the Government, consisting of artillery, cavalry and infantry equipments, and munitions of war, and that an agent or agents be sent immediately to procure the same.

SEC. 2. That the sum of five hundred thousand dollars is hereby appropriated for the purpose of procuring the said arms and munitions of war; and that the Governor be authorized to borrow money for that purpose, and to pledge the faith of the State for the payment thereof.

SEC. 3. That an emergency exists, this act shall, therefore, be in force from and after its passage.

## CHAPTER VII.

AN ACT to amend sections four and seven of an act, entitled "An act to provide for the election, fixing the compensation, and prescribing the duties of the Attorney General of the State of Indiana," approved February 21st, 1855.

[APPROVED JUNE 3, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section four of an act, entitled "An act to provide for the election, fixing the compensation, and prescribing the duties of the Attorney General of the State of Indiana," approved February 21st, 1855, which reads as follows, to-wit:

Section four re-cited.

"Such Attorney General shall prosecute and defend all suits that may be instituted by, or against the State of Indiana, the prosecuting or defending of which is not already provided by law, whenever notified ten days of the pending thereof by the Clerk of the Court in which such suits are pending, and whenever required by the Governor, or a majority of the officers of State, in writing, to be furnished him within a reasonable time, for the purposes therein contemplated," be, and the same is hereby, amended so as to read as follows, to-wit:

Amended, by making duty of, to prosecute all criminal and State prosecutions in Supreme Court.

Such Attorney General shall prosecute and defend all suits that may be instituted by, or against the State of Indiana, the prosecuting or defending of which is not already provided by law, whenever notified ten days of the pendency thereof by the Clerk of the Court in which such suits are pending, and whenever required by the Governor, or a majority of the officers of State, in writing, to be furnished him within a reasonable time for the purposes therein contemplated. And he shall prosecute and defend all criminal or State prosecutions that are now or hereafter may be pending in the Supreme Court of the State of Indiana.

SEC. 2. That section seven of said act, which is in the words and figures following, to-wit:

Section seven recited.

"Such Attorney General shall receive for his compensation the sum of one thousand dollars per annum, to be audited and paid quarterly out of the State Treasury," be, and the same is hereby amended to read as follows:

Amended to give docket fee.

Such Attorney General shall receive for his compensation the sum of one thousand dollars per annum, to be audited and

paid quarterly out of the State Treasury; and shall in addition thereto be allowed a docket fee of five dollars in each criminal or State prosecution by him so prosecuted or defended in the Supreme Court, to be taxed against the adverse party, and collected as a part of the costs against such adverse party: *Provided*, That in no event shall the docket fee be paid by the State.

SEC. 3. Whereas an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage. Emergency declared.

## CHAPTER VIII.

AN ACT to legalize the act of the Auditor of State in depositing certain bonds of the State in the Branch at Indianapolis of the Bank of the State of Indiana as security for twenty-five thousand dollars borrowed by the Governor, Secretary, Auditor and Treasurer of State, and to assume and to provide for the payment of said sum of money by the State.

[APPROVED MAY 4, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whereas, it became necessary in order Preamble. to comply with the requisition for troops recently made by the President of the United States, to procure a large sum of money for the use of the State, before the General Assembly could be convened; and whereas, the Governor and Auditor, Treasurer and Secretary of State, upon their own private credit and responsibility, borrowed from the Branch at Indianapolis of the Bank of the State of Indiana, for the use of the State, the sum of twenty-five thousand dollars, to be expended for and on behalf of the State in paying the expenses incurred and to be incurred in raising and sustaining troops in compliance with the said requisition of the President; and whereas, the Governor and other officers of State aforesaid, gave their promissory note for said sum of money, dated April 17th, 1861, payable on demand to the order of C. L. Stevenson, Cashier of said Branch Bank, with interest, and to secure the payment of said note, the said Auditor of State deposited in said Branch Bank five per cent. bonds of the State of Indiana, to the amount of thirty thousand

Assumption by  
State.

dollars, therefore the borrowing of the said sum of twenty-five thousand dollars, and the depositing of said bonds as security for the payment thereof, as above recited, are hereby declared to be legal and binding upon the State of Indiana, and the debt contracted as aforesaid is hereby assumed and shall be paid by the State of Indiana, out of the Contingent Fund of the Governor, appropriated by this General Assembly for the purpose of defraying the expenses of responding to the Proclamation of the President of the United States for troops; and if no funds specially provided for the purpose of paying said debt should be in the Treasury when it becomes necessary to pay the same, then the said debt shall be paid out of any money that may be in the Treasury and not otherwise specifically appropriated.

Emergency de-  
clared.

SEC. 2. There is an emergency which requires that this act should take effect immediately, and it is therefore enacted that it shall take effect and be in force from and after its passage.

---

## CHAPTER IX.

AN ACT to authorize the Governor to issue Bonds; to appoint a Board of Loan Commissioners, and defining their duties; requiring the Sinking Fund Commissioners to purchase Bonds; defining their duties in relation to the interest received on the same, and levying a tax to meet the payment of the interest and principal of the Bonds to be sold.

[APPROVED MAY 13, 1861.]

Issuing of, au-  
thorized, and of  
what denomina-  
tion, draw in-  
terest, with  
coupons at-  
tached, and  
when interest  
payable.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That for the purpose of obtaining money for repelling invasion, and providing for the public defense, the Governor is authorized to issue two million dollars of Bonds; of which said issue of two million, the sum of two hundred thousand dollars shall be in bonds of the denomination of five hundred dollars each, and the residue of the said issue of two million dollars shall be in bonds of the denomination of one thousand dollars each; all of said bonds drawing interest at the rate of six per cent. per annum, payable semi-annually, on the first days of May and November in each year; said bonds to have coupons, or interest warrants at-



tached; the first of which shall become due on the first day of May, 1862; the interest which may fall due between the date of the sale and the first day of November, 1861, shall be paid in advance. The bonds shall be made payable to bearer, twenty years after date, the interest payable on presentation and surrender of coupons, as they become due; both bonds and coupons to be payable at the Indiana Agency, in the city of New York.

The bonds shall be signed by the Governor, and countersigned by the Auditor, numbered and registered in the office of the Auditor and Secretary of State, and shall be in the following form in substance:

By whom signed  
and registered.

### INDIANA SIX PER CENT. BOND.

No.

Form of bond.

500	Five Hundred Dollars.	500.
1000	One Thousand Dollars.	1000.

*Know all Men by these Presents,* That there is due from the State of Indiana, unto the bearer, the sum of \_\_\_\_\_ dollars, with interest at the rate of six per cent. per annum, payable semi-annually, on the first days of May and November of each year, at the Indiana Agency, in the city of New York, on presentation and delivery of the proper coupons, which appear on the margin hereof. The principal of this bond is to be paid in twenty years from the date hereof, at the Indiana Agency in the city of New York, and is one of an issue of two millions of dollars of bonds issued by the State of Indiana, in denominations of five hundred dollars, and one thousand dollars each, pursuant to an act of the General Assembly, approved \_\_\_\_\_ 1861, entitled "An act to authorize the Governor to issue bonds; to appoint a Board of Loan Commissioners, and defining their duties; requiring the Sinking Fund Commissioners to purchase bonds; defining their duties in relation to the interest received on the same; and levying a tax to meet the payment of the interest and principal of the bonds to be sold."

### FORM OF COUPON.

The State of Indiana will pay the bearer, on the \_\_\_\_\_ day of \_\_\_\_\_, at the Indiana Agency in the city of New York, \_\_\_\_\_ dollars, it being the semi-annual interest on her bond, No. \_\_\_\_.

Form of coupon.

SEC. 2. For the purpose of negotiating said bonds, Hugh McCulloch, James M. Ray and John H. O'Boyle, are hereby

Loan commissioners named;

their compensation; their duty, and to give bond.

appointed a Board of Loan Commissioners, who shall each receive, as a compensation for their services as such commissioners, five dollars per diem, for each day they or each of them may be actually engaged in negotiating said loan, together with their expenses; and the Governor shall deliver said bonds, when prepared, signed and registered as aforesaid, to said commissioners, taking their receipt therefor, with the number and denomination of each bond, and shall file said receipt with the Auditor of State; which said commissioners shall dispose of said bonds, as the wants of the treasury may require, or as, in their judgment, will promote the best interests of the State; and the money arising therefrom, together with all exchange, and any premium which may accrue, or may be received by said commissioners, except so much thereof as the Treasurer of State may require for payments in the city of New York, shall be paid by said commissioners into the State treasury as soon as received by them, taking the receipt of the Treasurer of State therefor, and file said receipt with the Auditor of State, who shall charge said Treasurer therewith; and the said Board of Loan Commissioners shall, on the first days of August, November, February and May, of each year, file with the said Auditor of State a report containing the number and denomination of bonds sold and the price received therefor, and the time when sold; and that said Loan Commissioners shall each file with the Auditor of State a bond in the penalty of two hundred thousand dollars, to be approved by the Governor, for the faithful discharge of their duties, and the prompt payment to the proper officer of all moneys that may come into their hands as such commissioners; and the Treasurer of State shall file his receipt for the amount with the Auditor of State, designating therein the amount of each denomination of bonds sold, and the amount obtained for the same, who shall charge the Treasurer therewith.

Sinking fund commissioners directed to purchase bonds at par.

SEC. 3. The Board of Sinking Fund Commissioners are hereby directed to purchase of said Loan Commissioners said bonds, at par, to the extent of the money they may have on hand subject to distribution for the purpose of being loaned, and the interest, when paid by the State upon said bonds so purchased, shall be disposed of in the same manner as the interest arising from loans of the Sinking Fund to individuals.

Vacancies in Board, how filled.

SEC. 4. In case a vacancy or vacancies shall occur in said Board of Loan Commissioners, before said bonds are disposed of, or in case any of said commissioners shall refuse to serve as such, it shall be the duty of the Governor to appoint some suitable person or persons to fill such vacancy or vacancies, and said appointee or appointees shall hold his or their office until the next meeting of the Legislature, either in general or

special session, and such appointee or appointees shall give bond with the original commissioners.

\* SEC. 5. For the purpose of paying the interest semi-annually, and the final payment of the principal at maturity, on the bonds in the first section mentioned, an annual tax of five cents on each one hundred dollars in value of the taxable property of this State is hereby levied, commencing in the year 1861, and the excess of money collected by said tax, each year, after paying the interest as it becomes due, shall be paid to the Sinking Fund Commissioners, who shall purchase these bonds if they can procure them on reasonable terms, and if not, then to invest the same in other Indiana State stocks; said commissioners keeping a record of the number and amount, and price paid for such bonds, and from whom purchased; at the first session of the Legislature thereafter, said commissioners shall report the amount and number of such bonds or stocks, the price paid for the same, and from whom purchased, and rendering an account of such funds received since their last report; and immediately thereafter it shall be the duty of the Committee on Finance in the Senate, and Committee of Ways and Means in the House of Representatives, to count said bonds and examine the same, and said Sinking Fund Commissioners shall, then and there, in the presence of said committees, destroy said bonds and stocks, keeping a record and description of such destroyed bonds and stocks; and for the final payment of said bonds, with the interest thereon, the faith of the State is irrevocably pledged.]

Tax of five cents on each \$100, levied for payment of interest and principal. Duty of sinking fund commissioners in regard to excess of tax collected, and duty of Committee on Finance, of Senate, and Committee of Ways and Means, of House.

SEC. 6. In case it becomes unnecessary to sell all of said bonds, such unsold bonds shall be returned to the Auditor of State, who shall register their number and denomination, and they shall then be destroyed in the presence of the Auditor, Treasurer, and Secretary of State, and the fact shall be recorded by the Auditor, and signed by him, the Secretary and Treasurer of State.

Duty of Auditor of State, if unnecessary to sell all the bonds.

SEC. 7. The tax herein provided for the payment of the interest, and the gradual liquidation of the principal, shall not be diminished, but the same shall be levied and collected annually, until the bonds herein authorized to be issued shall have been paid or redeemed.

Tax levied, not to be diminished, but levied and collected annually.

SEC. 8. Nothing in this act shall be so construed as to require the continuance of the existing office of Agent of State, but the Legislature may at any time hereafter, in its discretion, select any person as Agent of State, and any place in the city of New York as the office of the Agency, under the provisions of this act: *Provided*, That notice of the person and place in said city be given by the Governor of the State of Indiana immediately, in one or more daily papers in the city of New York, by thirty days' publication thereof.

Construction as to continuance of office of Agent of State.

Emergency declared.

SEC. 9. Inasmuch as the ordinary revenue of the State is insufficient to meet the necessary expenses growing out of the present insurrectionary acts of certain States in the Union, it is hereby declared that an emergency exists; therefore this act shall take effect and be in force from and after its passage.

## CHAPTER X.

AN ACT to authorize Incorporated Cities and Towns to execute bonds for the safety and delivery, upon the demand of the Governor of the State of Indiana, of any and all arms distributed to such cities and towns for the use of the Military Organizations in such cities and towns, and providing when the same may take effect.

[APPROVED MAY 10, 1861.]

Incorporated city or town procuring arms from State, proper officer may execute bond for safety of.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever the Mayor and Common Council of any incorporated city, or the Trustees of any town in the State of Indiana, shall obtain from the State authorities arms of any kind, to be used by the military organizations of such cities or towns, or whenever any volunteer military organization shall obtain arms from the State, it shall be lawful for the Mayor and Common Council of such city, or the Trustees of such town, to cause to be executed and delivered to the Governor of the State of Indiana, a bond conditioned according to law for the safety and delivery of such arms in the manner as now by law provided, and said bonds shall have the same force and effect as the bonds with personal security now are held.

Governor may distribute arms to cities or towns

SEC. 2. The Governor may in his discretion distribute public arms, as herein provided, to any incorporated town or city notwithstanding any other law in conflict herewith.

Emergency declared.

SEC. 3. Whereas, an emergency exists, it is hereby declared that this law shall take effect and be in force from and after its passage.

## CHAPTER XI.

AN ACT to authorize Incorporated Towns and Cities to erect Prisons, and to authorize the imprisonment therein of persons convicted of offences against the laws of such incorporation, or of offences against the penal laws of this State, and, also, persons charged with offences punishable by indictment or presentment, temporarily, and to provide for the use of county jails by such incorporation in certain cases.

[APPROVED JUNE 1, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any incorporated town or city shall have power to erect a prison within the limits of such town or city; and it shall be lawful to imprison therein persons convicted of offences against the laws of such incorporation, or for offences against the penal laws of this State, and also, persons charged with offences punishable by indictment or presentment, temporarily, until they can be conveniently removed to the county jails; so far as the same shall be applicable, the law governing county jails shall be the law of such town or city prison, and all cases where the county jails are convenient they may be used for town purposes until a town or city prison shall be erected.

## CHAPTER XII.

AN ACT to authorize the Boards of Commissioners of the several counties in the State of Indiana, and the authorities of any incorporated city or town in said State, to make appropriations in certain cases, and to legalize certain appropriations therein specified.

[APPROVED MAY 11, 1861.]

May appropriate money for support of families of volunteers in army, and for purchase of arms for home defense.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Boards of Commissioners of the several counties of the State, and the incorporated cities and towns of this State be, and they are hereby, authorized to appropriate out of their respective counties, city or town treasuries such sums of money as they may deem proper for the protection and maintenance of the families of volunteers in the army of the United States and of the State of Indiana during their continuance in such armies, and to make such appropriations for the purchase of arms and equipments, for the raising and maintaining of military companies within their respective jurisdictions, either for home defence or for the service of this State or the United States, and such other necessary expenditures for the defence of their respective counties, cities and towns as the exigencies of the times may, in their judgment demand, and the County Boards and the authorities of the incorporated towns and cities are hereby empowered to make such regulations as they may think right and proper in the disbursement of said appropriations.

Appropriations heretofore made, legalized.

SEC. 2. That any and every appropriation heretofore made by any Board of County Commissioners of this State, or by the authorities of any incorporated city or town thereof for any of the purposes aforesaid be, and the same is hereby, legalized and made valid.

Authorized to levy special tax to pay appropriations, or interest.

SEC. 3. The said Boards of Commissioners and the corporate authorities of cities and towns are hereby authorized to levy each year a special tax upon all the taxable property and polls within their respective jurisdictions for the purpose of paying the said appropriations or the interest thereon.

Emergency declared.

SEC. 4. Whereas an emergency exists for the taking effect of this act, it is hereby declared that this act shall be in force from and after its passage and publication in the Indiana Journal and Sentinel.

NOTE.—Published in Daily Journal and Sentinel May 16, 1861.

## CHAPTER XIII.

AN ACT to provide for the execution of conveyances by Commissioners in case of deceased vendors of real estate.

[APPROVED MAY 31, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That whenever any person who has executed a title bond or contract for the conveyance of real estate to any person or corporation, shall die before such conveyance is executed, and shall have made no legal provisions, by will or otherwise, for the execution of such conveyance, and the whole or any part of the purchase money be unpaid at his death, the executor or administrator of such deceased person, may file a petition in the Circuit or Common Pleas Court of the county where the real estate, or any part thereof lies, or where letters testamentary or of administration are granted against the obligee, vendee or assignee, or all of them, as may be necessary, and also the heirs at law and devisees, if any of the deceased, praying in such petition for the appointment of a commissioner to execute a conveyance to the proper holder of such bond or contract.

If person execute title bond, and die before conveyance is executed, proceedings necessary to have commissioner appointed.

SEC. 2. The Court in such case, where process has been served ten days, or publication made in case of non-residence of the defendant for thirty days before the first day of the term, may appoint a commissioner to execute a conveyance in conformity with the requisitions of the title bond or agreement, and to report the conveyance as soon as executed to the Court, and if the Court shall approve the deed, the same shall be entered on record and delivered to the executor or administrator.

Process being properly made, court to appoint commissioner.

SEC. 3. The executor or administrator may tender such deed to the person to whom such tender should be made, and demand payment of the purchase-money due and unpaid.

Deed to be tendered.

SEC. 4. If, upon due tender of the deed, the person liable to an action for the recovery of the purchase-money, refuse to pay the same, such executor or administrator may maintain an action for the recovery of the purchase-money due and unpaid against the person thus liable.

Executor or administrator may maintain action.

SEC. 5. As there is now no remedy in such case, and the settlement of decedents' estates are being delayed in consequence thereof, it is hereby declared that an emergency exists, and that this act shall be in force from and after its passage.

Emergency declared.

## CHAPTER XIV.

AN ACT to amend sections Nos. 38, 126, 137 and 162, and to repeal section No. 138 of an act, entitled "An act to provide for a general system of Common Schools, the officers thereof and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of Township Libraries, and to repeal all laws inconsistent therewith," approved March 11, 1861.

[APPROVED JUNE 4, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section thirty-eight of an act, entitled "An act to provide for a general system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith," approved March 11th, 1861, which reads as follows:

Sec. 38 recited.

"Section 38. Said examiners shall constitute a medium of communication between the Superintendent of Public Instruction and subordinate school officers and the schools; they shall visit the schools of their respective counties as often as they may deem it necessary, during each school term, for the purpose of increasing their usefulness, and elevating as far as practicable the poorer schools to the standard of the best, advising and securing, as far as practicable, uniformity in their organization and management, and their conformity to the law and the regulations and instructions of the State Board of Education and Superintendent of Public Instruction; they shall receive from the trustees their reports of enumeration and their regular school and other reports which are required by law to be made to them, and otherwise gather up the necessary data and information, including that relative to private, Common Schools, High Schools, Colleges, and other private institutions of learning within their respective counties so as to present a view of the educational facilities of the State, and enable them to make full and complete reports to the Superintendent of Public Instruction; and receive for and distribute to the township librarians such books as may be furnished for them, and advise such a disposition and use of them as will tend to increase their usefulness; they shall see to the introduction of authorized text-books into their schools, and advise the trustees as to the most approved school furniture, apparatus and educational agencies, and, as far as practicable, they shall furnish trustees and teachers with the regular forms, blanks, regulations, instructions and reports which issue from the Department of Public Instruction, and relate to their respective branches of the school service," be amended to read as follows:



**SECTION 38.** Said examiners shall constitute a medium of communication between the Superintendent of Public Instruction and the subordinate school officers and the schools; they shall visit the schools of their respective counties as often as they may deem it necessary, during each school term, for the purpose of increasing their usefulness, and elevating as far as practicable the poorer schools to the standard of the best, advising and securing, as far as practicable, uniformity in their organization and management, and their conformity to the law and the regulations and instructions of the State Board of Education and Superintendent of Public Instruction; they shall receive from the trustees their reports of enumeration and their regular school and other reports which are required by law to be made to them, and otherwise gather up the necessary data and information, including that relative to private Common Schools, High Schools, Colleges and other private institutions of learning within their respective counties so as to present a view of the educational facilities of the State, and enable them to make full and complete reports to the Superintendent of Public Instruction, and receive for and distribute to the township librarians such books as may be furnished for them, and advise such a disposition and use of them as will tend to increase their usefulness; they shall advise the trustees as to the most approved school furniture, apparatus and educational agencies, and, as far as practicable, they shall furnish trustees and teachers with the regular forms, blanks, regulations, instructions and reports which issue from the Department of Public Instruction and relate to their respective branches of the school service.

Amended to leave out introduction of authorized text books.

**SEC. 2.** And that section one hundred and twenty six of said act, which reads as follows:

"Section 126. The books and papers of his department shall be kept at the seat of government, where a suitable office shall be furnished by the State, at which he shall give attendance when not absent on public business, and he is hereby authorized to employ a clerk at one thousand dollars per annum, to be paid in the same manner as the clerks of the Auditor of State are paid," be amended to read as follows:

Sec. 126 recited.

**SECTION 126.** The books and papers of his department shall be kept at the seat of government, where a suitable office shall be furnished by the State, at which he shall give attendance when not absent on public business, and he is hereby authorized to employ a clerk at eight hundred dollars per annum, to be paid in the same manner as the clerks of the Auditor of State are paid.

Amended to eight hundred instead of one thousand dollars.

**SEC. 3.** And that section one hundred and thirty-eight, which reads as follows:

Sec. 138 recited,  
and repealed.

"Section 138. He shall supply each Common School Library with the legislative and documentary journals and the acts of each session of the General Assembly, and his own annual reports: *Provided*, The State has those documents for distribution," be, and is hereby, repealed

SEC. 4. And that section one hundred and sixty-two of said act, which reads as follows:

Sec. 162 recited.

"Section 162. The State Board of Education shall consist of the State Superintendent of Public Instruction and the Governor, Treasurer, Auditor of State, Secretary of State, and Attorney General, who shall meet at Indianapolis, on the call of the President, for the purpose of more effectually promoting the interests of education by mutual conference, interchange of views, and experience of the practical operation of the system, the introduction of uniform text-books; and the discussion and determination of such questions as may arise in the practical administration of the system," be amended to read as follows:

Amended to read  
approval, in-  
stead of intro-  
duction.

SECTION 162. The State Board of Education shall consist of the State Superintendent of Public Instruction, and the Governor, Treasurer, Auditor of State, Secretary of State, and Attorney General, who shall meet at Indianapolis, on the call of the President, for the purpose of more effectually promoting the interests of education by mutual conference, interchange of views, and experience of the practical operation of the system, the approval of a uniform system of text-books, and the discussion and determination of such questions as may arise in the practical administration of the system.

SEC. 5. That section five of said act, which reads as follows:

Sec. 5 recited.

"Sec. 5. The lawful voters of the several incorporated towns and cities of the State shall, at their next regular corporation election, and biennially thereafter, elect for the corporation a school trustee who shall, before entering upon the duties of his office, take and subscribe an oath and give a bond, similar to the oath and bond required of the township trustee, both of which shall be disposed of in the same manner which is provided for the disposition of the oaths and bonds of township trustees: *Provided*, That nothing herein contained shall be so construed as to prohibit incorporated cities and towns from electing more than one trustee for school purposes, and the said cities and towns shall have power in accordance with their ordinances, or special charters, to direct in case more than one trustee is elected, which one shall be treasurer for school purposes, and said treasurer shall be governed by all the provisions of this act," be amended so as to read as follows, to-wit:

Amended to give  
trustees of cities  
per diem com-  
pensation.

The lawful voters of the several incorporated towns and cities of the State shall, at their next regular corporation election, and biennially thereafter, elect for the corporation a school trustee who shall, before entering upon the duties of

his office, take and subscribe an oath and give a bond similar to the oath and bond required of the township trustee, both of which shall be disposed of in the same manner which is provided for the disposition of the oaths and bonds of township trustees; and such trustees shall be allowed such reasonable compensation *per diem* for their services as the authorities of such incorporated towns and cities may deem just, to be paid out of the special school tax raised in such towns or cities: *Provided*, That nothing herein contained shall be so construed as to prohibit incorporated towns and cities from electing more than one trustee for school purposes, and the said cities and towns shall have power in accordance with their ordinances or special charters to direct, in case more than one trustee is elected, which one shall be treasurer for school purposes, and said treasurer shall be governed by all the provisions of this act.

SEC. 6. An emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

Emergency declared.

---

## CHAPTER XV.

AN ACT to amend section 54 and 56 of an act passed March 11th, 1861, entitled "an act to provide for a system of Common Schools, the officers thereof, and their respective powers and duties, and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith.

[APPROVED JUNE 3, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section 54 of said act, which reads as follows:

"Sec. 54. No sale shall be allowed unless a majority of all the voters in such township shall vote in favor of it, nor unless the number of votes constituting such majority shall exceed fifteen," be amended to read as follows:

Sec. 54 recited.

SEC. 54. No sale shall be allowed unless a majority of all the voters in such township shall vote in favor of it.

Amended to read, a majority.

SEC. 2. And that section 56 of said act, which reads as follows, to-wit:

Sec. 56 recited.

"Sec. 56. Said trustee, if satisfied that a majority, and more than fifteen voters have voted for such sale, shall enter the fact on his record book, and proceed,

*First.* To divide the lands so voted to be sold into such lots as will secure the best price.

*Second.* To affix a minimum price to each lot, not less than one dollar and twenty-five cents per acre, below which it shall not be sold.

*Third.* To certify such division and appraisement to the proper county auditor, together with a copy of all his proceedings in relation to the sale of said lands," be amended to read as follows:

Amended to read, a majority.

SEC. 56. Said trustee, if satisfied that a majority of all the voters have voted for such sale, shall enter the fact on his record book, and proceed,

*First.* To divide the lands, so voted to be sold, into such lots as will secure the best price.

*Second.* To affix a minimum price to each lot, not less than one dollar and twenty-five cents per acre, below which it shall not be sold.

*Third.* To certify such division and appraisement to the proper county auditor, together with a copy of all his proceedings in relation to the sale of said lands.

## CHAPTER XVI.

An ACT supplemental to an act entitled "an act to provide for the re-location of county seats, and for the erection and preparation of county buildings, in counties where two-thirds of the legal voters have petitioned, designating a site and a house to be used as a court house; and where a deed has been executed, to provide, also, for the transfer of any equitable title for the termination of actions growing out of such re-location, and for the transfer of the former county property," approved December 22, 1858, so as to legalize and conform the action of Boards of Commissioners in cases where public property has been conveyed under the provisions of such act, and to provide for the conveyance of the Asylum for the

Poor in certain cases, and to provide, also, that the Trustees created under the act to which this is supplemental, shall constitute bodies politic and corporate.

[APPROVED JUNE 4, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That in every county in this State where the county seat has been removed under the provisions of an act entitled "an act supplemental to an act entitled 'an act to provide for the re-location of county seats, and for the erection of public buildings in case of such re-location,' approved March 2, 1855, so as to provide for the relocation of county seats, and for the erection and preparation of county buildings, in counties where two-thirds of the legal voters have petitioned designating a site and a house to be used as a court house, and where a deed has been executed to provide also for the transfer of any equitable title for the termination of actions growing out of such re-location, and for the transfer of the former county property, approved December 28, 1858;" and where under the provisions of said act, the Board of Commissioners have conveyed the buildings before occupied as a court house, with the lot of ground on which it stands, and the lot of ground upon which the buildings before occupied as a prison stands, with the improvements, to trustees for the use of a Seminary of learning, all such action is hereby legalized and confirmed, and such conveyances shall pass to such trustees all the title and estate that the said Board or such county may have had in such premises.

Certain acts performed under laws of 1855 and 1858, legalized and confirmed.

SEC. 2. That in every such county where the county seat has been so re-located, and where the former county buildings and premises have been so conveyed, and where a majority of the legal voters of such county voting at an election hereafter provided for, shall by such vote direct its Board of Commissioners to convey to such Trustees the Asylum for the Poor belonging to such county, with the tracts of land connected with it for the use of such Seminary, it shall be the duty of such Board to make the conveyance to such Trustees in accordance with the wish of the majority so voting, and such conveyance shall pass to such Trustees all the estate and title of said Board or county to said land and improvements for the use aforesaid: that in every such county where the county seat has been so re-located, and where the former county buildings and premises have been conveyed as in this act recited, a vote shall be taken upon such proposition of donation at the first October election after the passage of this act, and

Proceedings necessary to be had in relation to conveying Asylum for Poor, for Seminary, &c.

such vote shall be taken in the following form: "For Donation," "Against Donation," written or printed on the ballot. The clerk of the Circuit Court of each of said counties shall certify to the Sheriff the vote required to be taken under the provisions of this act, and such sheriffs shall give the same notice thereof as required by law in other elections, and it shall be the duty of the several officers at each election precinct in such counties to return the result of such voting to the county auditor, to be by such auditor laid before the board of county commissioners.

Trustees created  
made bodies polit-  
ic and corpo-  
rate.

SEC. 3. *Be it further enacted*, That the trustees created under the said act in each county in this State, shall be, and they are hereby made bodies politic and corporate, with power to sue and be sued, to acquire, build, enjoy, transfer and convey such personal and real estate as may be necessary for the maintenance of such Seminary of learning, and to have such other power as corporations usually possess, and which are necessary and proper for the purpose aforesaid, and the privileges and immunities hereby granted to such trustees are upon the same terms granted to other citizens, who may be hereafter made trustees under like circumstances, for the purposes aforesaid. *Provided, however*, That such Trustees shall not have power to sell, transfer, or convey any real or personal property belonging to any such Seminary of learning until they shall have filed in the office of the auditor of the proper county, a bond with sufficient freehold surety to be approved by said auditor, in double the value of the property to be sold, payable to the State of Indiana, conditioned that said trustees will faithfully discharge their duties in the sale of such property according to law, and properly and fully account for the moneys arising from such sale, and faithfully apply the same to the maintenance, support or improvement of such Seminary of learning. The value of such property shall be ascertained by two appraisers, to be appointed by the auditor of said county, who shall return an appraisement thereof, under oath, to said auditor.

Proviso, re-  
stricting their  
powers, and re-  
quiring bond to  
be filed by them.

Number of vo-  
ters, how con-  
sidered.

SEC. 4. For the purposes of this act, the number of voters at the general election in such county next preceding the presentation of such petitions to the board of Commissioners, shall be considered the whole number of voters of such county.

## CHAPTER XVII.

AN ACT to fix the time of holding the Circuit Court in Owen county, and repealing all laws in conflict with the provisions of this act, and declaring an emergency to exist.

[APPROVED JUNE 4, 1861.]

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Circuit Court in the county of Owen, in this State, shall hereafter be held as follows, commencing on the first Mondays of February and August, in each year, and shall continue two weeks, if the business thereof shall so long require. Time of holding fixed.

SEC. 2. All process returnable to the next term of said Court as heretofore fixed by law, is hereby made returnable to the next term of said Court, as fixed by this act, and all orders of publication, as well as recognizances, having reference to the next term of said Circuit Court, shall be taken as having reference to the next term as fixed by this act, and all persons shall take notice of the time of holding said Court as herein provided. Process, when returnable.

SEC. 3. That all laws which come in conflict with the provisions of this act, be and the same is hereby repealed. Repeal.

SEC. 4. An emergency exists for the immediate taking effect of this act; therefore the same shall take effect and be in force from and after its passage. Emergency declared.

## CHAPTER XVIII.

AN ACT to fix the times of holding the Circuit Courts in the Eleventh Judicial Circuit, and to regulate the return of process in said Circuit.

[APPROVED MAY 31, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Circuit Courts in the Eleventh Judicial Circuit, shall hereafter be held as follows, to-wit: Times of holding fixed.

In the county of Grant, on the second Mondays of August and February in each year.

In the county of Huntington, on the fourth Mondays of August and February in each year.

In the county of Wabash, on the second Mondays of September and March in each year.

In the county of Miami, on the fourth Mondays of September and March in each year.

In the county of Cass, on the first Monday in October and the second Monday of April in each year.

In the county of Carroll, on the fourth Monday of October, and the first Monday of May in each year.

Length of terms.

SEC. 2. The Courts in the counties of Grant, Huntington, Wabash, Miami and Carroll, shall sit two weeks, if the business require it; and the Courts in the county of Cass three weeks, if the business require it.

Process, when returnable.

SEC. 3. All writs, subpoenas, venire, orders of Court, recognizances, publications or process whatever, which may have issued from the Circuit Court in said county, or which may hereafter be issued previous to the commencement of said terms as herein provided, shall be, and are hereby made returnable to the first day of the term of said Courts respectively, to be holden as is provided in this act.

Emergency declared.

SEC. 4. Whereas, an emergency exists for the immediate taking effect of this act, therefore it is further enacted, that this act shall be in force from and after its passage.

## CHAPTER XIX.

AN ACT to authorize the process of garnishment against clerks of the Circuit and Common Pleas Court, sheriff, justices of the peace, constables and all other officers who collect money by virtue of their office, and executors, administrators, guardians and trustees.

[APPROVED JUNE 3, 1861.]

What officers subject to garnishment.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That clerks of the Circuit and Common Pleas Courts, sheriffs, justices of the peace, constables, and all other officers who may collect money by virtue of their office, and all executors, administrators, guardians and trustees shall be subject to garnishment at the suit of any attachment



creditor of the person who has money or choses in action in the hands of such officer, executor, administrator, guardian or trustee, at the time of the service of such garnishee process, in the same manner and to the same extent as other persons are liable to be garnisheed in attachment proceedings.

SEC. 2. There being no law in force by which money or choses in action, in the hands of such officers, and persons can be reached, there is an emergency existing for the immediate taking effect of this act; therefore this act shall be in force from and after its passage. Emergency declared.

---

## CHAPTER XX.

AN ACT providing for the impeachment of witnesses in certain cases.

[APPROVED JUNE 1, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That when a witness, whether a party to the record or not, is cross examined to lay the foundation for his impeachment by proof of an act or statement inconsistent with his testimony, and asked if he did not do the act or make the statement, and he answers that he does not recollect having done the act or made the statement, the party thus laying the foundation for impeachment shall have the right to introduce evidence of the act or statement in the same manner as if the witness had answered that he had not done the act or made the statement.

SEC. 2. That as the rule is important in the administration of justice, an emergency exists which requires that this act take effect and be in force from and after its passage; therefore this act shall take effect and be in force from and after its passage.

## CHAPTER XXI.

AN ACT to amend the twentieth section of an act, entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

[APPROVED MAY 23, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section twenty of the above recited act, which reads as follows :

Sec. 20 recited. "Sec. 20. In the county of Adams on the first Mondays of January, May and September, each year, and shall continue in session one week at each term, if the business require it; in the county of Wells on the Mondays succeeding the Courts in the county of Adams, and shall continue in session two weeks at each term, if the business require it; in the county of Huntington on the Mondays succeeding the Courts in the county of Wells, and shall sit two weeks at each term, if the business require it; in the county of Allen on the Mondays succeeding the Courts in the county of Huntington, and shall continue in session four weeks at each term thereof, if the business require it;" be, and the same is hereby, amended so as to read as follows, to-wit:

Amended to  
change times of  
holding in Hun-  
tington county.

In the county of Adams on the second Mondays of January, May and September, each year, and shall continue in session one week at each term, if the business require it; in the county of Wells on the Mondays succeeding the Courts in the county of Adams, and shall continue in session two weeks at each term, if the business require it; in the county of Huntington on the Mondays succeeding the Courts in the county of Wells at the January and September terms, and on the Mondays succeeding the fourth Monday in May at the spring term, in each year, and shall continue in session two weeks at each term, if the business require it; in the county of Allen on the Mondays succeeding the Courts in the county of Huntington, and shall continue in session four weeks at each term, if the business require it.

Process, when  
returnable.

SEC. 2. That all process and orders of said Courts heretofore made, or issued, shall be taken to be, and are hereby, made returnable to the first terms of said Courts respectively, as fixed by this act.

SEC. 3. Whereas an emergency exists for the immediate taking effect of this act, the same is hereby declared to be in force from and after its passage. Emergency declared.

## CHAPTER XXII.

AN ACT to amend the fourteenth and eighteenth sections of an act, entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts, returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859.

[APPROVED MAY 11, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the fourteenth and eighteenth sections of "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5, 1859, which reads as follows:

"Sec. 14. In the county of Hamilton on the first Mondays in January, May and August; in the county of Tipton on the third Mondays in January, May and September; in the county of Howard on the first Mondays in February, June and October; in the county of Clinton on the third Mondays of February, June and October; and in the county of Grant on the second Mondays of March, July and November. And the Courts shall sit at each term in each of said counties, if the business thereof require it, two weeks," be, and the same is hereby, amended to read as follows: Sec. 14 recited.

SEC. 14. In the county of Hamilton on the first Mondays in January, May and August; in the county of Tipton on the third Mondays in January, May and August; in the county of Howard on the first Mondays in February, June and October; in the county of Clinton on the third Mondays of February, June and October; and in the county of Grant on the Amended as to times of holding.

second Mondays of March, July and November. And the Courts shall sit at each term in each of said counties, if the business thereof require it, two weeks.

SEC. 2. That section eighteen of said act, which reads as follows:

Sec. 18 recited.

"In the county of Blackford on the third Monday of January, May and September; in the county of Delaware on the first Mondays of February, June and October; in the county of Randolph on the third Mondays in February and June, and the fourth Monday of October; and in the county of Jay on the Mondays succeeding the Courts in the county of Randolph. The Court shall sit in the counties of Randolph and Delaware two weeks each, and in the counties of Blackford and Jay one week each, if the business require it," be amended so as to read as follows:

Amended as to  
times of hold-  
ing.

In the county of Blackford on the third Mondays of January, May and September; in the county of Delaware on the first Mondays of February and October, and the second Monday in June; in the county of Randolph on the third Monday of February and the fourth Mondays in June and October; and in the county of Jay on the Mondays succeeding the Courts in the county of Randolph. The Court shall sit in the counties of Randolph and Delaware two weeks each; and in the counties of Blackford and Jay one week each, if the business require it.

Emergency de-  
clared.

SEC. 3. It is hereby declared that an emergency exists for the immediate taking effect of this act. It shall, therefore, be in force from and after its passage.

## CHAPTER XXIII.

AN ACT to amend the ninth section of an act, entitled "An act to fix the time of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof, and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws in conflict therewith," approved March 5th, 1859, and prescribing the times for holding and the duration of the terms of the Common Pleas Courts of the counties of Clay, Owen, Greene and Putnam.

[APPROVED MAY 31, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the ninth section of the above entitled act, which reads as follows, to-wit:

"Sec. 9. In Owen county on the first Mondays in January, May and September: in Greene county on the third Mondays in January, May and September; in the county of Putnam on the Mondays succeeding the Courts in the county of Greene; in the county of Clay on the Mondays succeeding the Courts in the county of Putnam, and the terms of said Court, if the business require it, shall be, in Owen, Greene and Clay, two weeks each; and in Putnam three weeks," be amended to read as follows, to-wit:

SEC. 9. In Owen county on the first Mondays in January, May and September; in Greene county on the third Mondays in January, May and September; in the county of Putnam on the first Mondays of February, June and November; in the county of Clay on the Mondays succeeding the Courts in the county of Putnam; and the terms of said Court, if the business require it, shall be, in Owen, Clay and Greene counties two weeks each; and in Putnam county three weeks: *Provided, however*, That the term of the Court in Putnam county may continue four weeks at the June term, if the business require it

SEC. 2. Whereas an emergency exists for the immediate taking effect of this act, it shall therefore take effect and be in force from and after its passage.

Amended to change time of holding in Putnam.

Emergency declared.

## CHAPTER XXIV.

AN ACT to change the time of holding the Common Pleas Court in the counties of Carroll and Tippecanoe, and to make all process returnable thereto.

[APPROVED MAY 31, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section fifteen of an act, entitled "An act to fix the times of holding the Common Pleas Courts in the several counties of this State, the duration of the terms thereof; and making all process from the present Common Pleas Courts returnable to such terms, and declaring when this act shall take effect, and repealing all laws inconsistent therewith," approved March 5th, 1859, which reads as follows:

Sec. 15 recited. "Sec. 15. In the county of Benton on the first Mondays of January, May and September; in the county of White on the second Mondays of January, May and September; in the county of Carroll on the fourth Mondays of January, May and September; in the county of Tippecanoe on the third Mondays of March, June and December; said Courts shall, if the business require it, sit in Benton one week, White two, Carroll three, at each term, and in Tippecanoe, while the business shall require it," be so amended as to read as follows:

Amended to change times of holding in Carroll and Tippecanoe.

SEC. 15. In the county of Benton on the first Mondays of January, May and September; in the county of White on the second Mondays of January, May and September; in the county of Carroll on the fourth Mondays of January, the second Mondays of June, and the fourth Mondays of September; and in the county of Tippecanoe on the third Mondays of March, the first Mondays of July, and the third Mondays of December; said Courts shall, if the business require it, sit in Benton one week, White two, Carroll three, at each term, and in Tippecanoe while the business shall require it.

Process, when returnable.

SEC. 2. All writs, subpoenas, venires, rules, orders of Court, recognizances, publications and process whatever, which may have issued in said counties, shall be deemed and taken to be, and are hereby, made returnable on the first day of the first terms to be holden in virtue of this act.

Emergency declared.

SEC. 3. It is hereby declared that an emergency exists for the immediate taking effect of this act; it is therefore declared that the same shall take effect and be in force from and after its passage. And the Secretary of State is hereby directed

to immediately cause this act to be published in the Indiana State Sentinel and the Indianapolis Journal.

**NOTE.**—Published in Daily Journal and Sentinel June 5, 1861.

## CHAPTER XXV.

AN ACT regulating docket fees of District Attorneys in the Courts of Common Pleas and before Justices of the Peace, and regulating Prosecuting and District Attorneys' fees for prosecutions on forfeited recognizances.

[APPROVED JUNE 4, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the docket fees of District Attorneys in the Court of Common Pleas shall be as follows, to-wit:

Docket fees allowed District Attorneys.

On each conviction of felony on a plea of not guilty, five dollars.

On each conviction of felony on a plea of guilty five dollars.

On each conviction for misdemeanor on plea of not guilty, five dollars.

On each conviction of misdemeanor on plea of guilty, two dollars and fifty cents.

On each conviction for misdemeanor before a justice of the peace on a plea of not guilty, three dollars.

On each conviction for misdemeanor before a justice of the peace on plea of guilty, one dollar.

SEC. 2. The fees prescribed in the foregoing section shall be taxed with the costs against the defendant and collected as other costs.

Collected as other costs.

SEC. 3. The said District Attorneys shall each receive an annual salary of two hundred dollars in addition to the fees herein provided for, to be paid out of the county treasury of each county, in the proper Common Pleas district, in proportion to the number of taxable polls in each county. But in any case where the District Attorney fails to attend and prosecute the pleas of the State, at any term of the Court, the allowances made by the Court to attorneys appointed to prosecute in his stead shall be deducted from his said salary.

Attorney's salary, and how paid.

Fee allowed on  
forfeited recog-  
nizance.

SEC. 4. Prosecuting and District Attorneys shall be allowed five dollars on each forfeited recognizance, and five per centum in addition thereto on the amount collected, which docket fee and per cent. shall be paid out of the money collected on such forfeited recognizance, and not otherwise.

Emergency de-  
clared.

SEC. 5. That inasmuch as there is now no law providing compensation for District Attorneys, it is declared that an emergency exists for the immediate taking effect of this act, and therefore this act shall be in force from and after its passage.

## CHAPTER XXVI.

AN ACT providing for the appointment of deputies by certain public officers of this State, who have or may hereafter enter the military service of the United States, or of this State, and authorizing such deputies to perform all the duties of their principals.

[APPROVED MAY 11, 1861.]

What officers  
may appoint  
deputies under  
this act.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That all persons holding civil offices under the laws of this State, except judges, justices of the peace, notaries public, and such officers as are by the Constitution expressly required personally to perform the duties of their respective offices, who have or may hereafter enter the volunteer or militia forces called into service under the authority of the United States, or of this State, may appoint deputies who shall during the absence of their principals in such service, have authority to perform all the duties appertaining by law to such office.

Officer entering  
military service  
not deemed to  
have vacated  
office.

SEC. 2. When under existing laws the duties of any office may be performed by deputy, the person holding such office shall not be deemed to have vacated the same by entering into the service named in the preceding section, but the duties of such office may be performed by deputy as if the principal had not entered into the military service.

Deputies to take  
oath and subject  
to same penal-  
ties as principal.

SEC. 3. Such deputies by this act authorized to be appointed shall take the oath required of their principals and be subject to the same regulations and penalties, and shall each file



an official bond in the same manner and in the same penalty required by law of their principals.

SEC. 4. There being an emergency for the immediate taking effect of this act, the same shall be in force from and after its passage. Emergency declared.

## CHAPTER XXVII.

AN ACT to amend the 9th section of an act regulating the fees of officers, and repealing former acts in relation thereto.

[APPROVED JUNE 4, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the 9th section of an act regulating the fees of officers, and repealing former acts in relation thereto, approved March 2, 1855, which reads as follows :

### “COUNTY TREASURERS’ FEES.

For collecting taxes shall be eight per cent. on the first one thousand dollars. Sec. 9 recited.

Seven per cent. on the amount between one and two thousand dollars.

Six per cent. on the amount between two and three thousand dollars.

Five per cent. on the amount between three and four thousand dollars.

Four per cent. on the amount between four and five thousand dollars.

Three per cent. on all sums over five thousand dollars and under fifteen thousand dollars.

On all sums over fifteen thousand dollars two per cent. Two and a half per cent. for receiving and paying out all the moneys other than tax and school funds.

For every mile traveled in going and returning to make settlements with Auditor of State, and Treasurer of State, and to make deposits of State revenue under the instructions of such Treasurer and Auditor, eight cents.

For each tract or parcel of land sold for taxes, ten cents;” be and the same is hereby amended to read as follows :

## COUNTY TREASURERS' FEES.

Amended to read  
2 per cent, over  
fifteen and un-  
der twenty  
thousand dol-  
lars, and over  
that, one per  
cent.

For collecting taxes shall be eight per cent. on the first one thousand dollars.

Seven per cent. on the amount between one and two thousand dollars.

Six per cent. on the amount between two and three thousand dollars.

Five per cent. on the amount between three and four thousand dollars.

Four per cent. on the amount between four and five thousand dollars.

Three per cent. on all sums over five thousand dollars and under fifteen thousand dollars.

On all sums over fifteen thousand and under twenty-five thousand dollars, two per cent.

On all sums over twenty-five thousand dollars, one per cent.

Proviso.

Two and one-half per cent. on all moneys received and paid out other than tax and school funds. *Provided*, That no per centage whatever shall be allowed the Treasurer for money paid out on the redemption of county orders, but the Treasurer shall be allowed five cents for each order redeemed and registered by him.

For every mile necessarily traveled in going and returning to make settlements with the Auditor and Treasurer of State, and to make deposits of State revenue under the instructions of such Treasurer and Auditor, eight cents.

Ten cents for each tract of land sold for taxes.

Repealing.

SEC. 2. All laws in conflict with the provisions of this act are hereby repealed.

Emergency de-  
clared.

SEC. 3. It is hereby declared that an emergency exists, and therefore this act shall take effect and be in force from and after its passage and publication in the Indiana State Journal and Indiana State Sentinel.

NOTE.—Published in Daily Journal and Sentinel June 7, 1861.

## CHAPTER XXVIII.

AN ACT to ascertain the amount of the fees and salaries of the Clerks of the Supreme, Circuit and Common Pleas Courts of this State, of the Sheriff of the Supreme Court, and of the various counties in this State, of county Auditors, Treasurers and Recorders, of Circuit and Prosecuting Attorneys, and to provide punishment for a violation of its provisions.

[APPROVED JUNE 3, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the Clerk of the Supreme Court, of each Circuit and Common Pleas Court, the sheriff of the Supreme Court, and of each county, the auditor, treasurer and recorder of each county in this State, the circuit and prosecuting attorneys of this State, shall each on the first day of January 1862, and of every year thereafter, make out a statement of all the fees, perquisites, and emoluments of every description, which they have received during the previous year, for any service in any manner rendered in the discharge of the duties of their respective offices. They shall also make a statement of the amount of such fees, perquisites and emoluments which have in any manner accrued or been charged in the discharge of their official duties during the same period, and which have not been actually paid over. *Provided,* That the provisions of this act shall not apply to the first half of the year 1861.

To make statement of fees received.

SEC. 2. It shall not be necessary to state each item separately, but the different items shall be classified under distinct heads, with the totals of each class stated separately. The amount derived from the State or county shall be stated separately from others and from each other. The clerk and sheriff of the Supreme Court, the clerks of Circuit and Common Pleas Courts, and sheriffs of the counties shall state the amount derived or allowed in State cases separate from those derived from or allowed civil cases; also the amount charged in criminal cases in which there is an acquittal, separate from those where there is a conviction. The clerk of the Supreme Court shall state the amount received or charged for making complete records separate from others. The recorder shall state the amount received and charged for recording deeds and mortgages separate from other items.

Items to be classified, with totals to each class.

SEC. 3. County treasurers shall state the amount of State and county tax, and per centage thereon, and fees for collect-

County treasurer's statement.

ing delinquent tax, for tax sales and mileage, separate from each other, and from all other items. The county auditor shall state the amount derived from the county separate from others, and shall classify the amount of his fees under as many different heads as there are items specified in the 8th section of an act regulating fees of officers, approved March 2d, 1855.

Statement of clerk of circuit and common pleas courts, in relation to estates.

SEC. 4. The clerk of the Circuit and Common Pleas Courts shall state the amount of fees received or charged in the settlement of decedents' estates separately; also the fees arising in managing the estates of minors and business of guardianships; also the amount for issuing marriage license. The officer shall annex to the statement his affidavit that the same contains the true and total amount of all fees, perquisites and emoluments of every description received or charged by him in the discharge of any of the duties of his office during the previous year, or for the half year 1861. Where any person has not been in office during the whole of the previous year, he shall state as provided in this act, the fees received and charged by himself while in office, and those of his predecessor, as near as may be.

Statements to be forwarded to Auditor of State.

SEC. 5. Such statement shall be immediately forwarded to the Auditor of State, who shall file and safely keep the same subject to the call of the General Assembly.

Penalty prescribed for failing to comply with this act.

SEC. 6. Any officer named in this act, who shall fail or neglect to comply with its provisions, shall be deemed guilty of a misdemeanor and fined in any sum not less than ten nor more than twenty-five dollars, and on conviction shall forfeit and be deprived of his office.

## CHAPTER XXIX.

AN ACT to define certain felonies, and to provide for the punishment of persons guilty thereof.

[APPROVED MAY 9, 1861.]

What constitutes felony under this act, and how punished.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any person or persons belonging to or residing within this State, or under the protection of its laws, who shall take or accept a commission or commissions

from any person or persons, State or States, or other enemies of this State, or of the United States, for the purpose of joining or commanding any army or band of men hostile to, or in rebellion against this State, or the United States, or who shall knowingly and wilfully aid or assist any enemies in open war, or persons in rebellion against this State or the United States, by joining their armies, or by enlisting or procuring or persuading others to enlist for that purpose, or by furnishing such enemies or persons in rebellion with arms or ammunition or provisions or any other articles for their aid or comfort, or by shipping, sending, or carrying to such enemies or rebels, or their agents, any arms, ammunition or provisions, or other articles for their aid or comfort, or by carrying on a traitorous correspondence with them, or shall form or be in any wise concerned in forming any combination or plot or conspiracy for betraying this State, or the United States, or the armed forces of either, into the hands or power of any foreign enemy, or of any organized or pretended government engaged in resisting the laws or authority of the Government of the United States of America, or shall give or send any intelligence to any such enemies or pretended government, or their forces, for that purpose, every person so offending shall, upon conviction thereof, be imprisoned in the State prison for a term not less than two nor more than twenty-one years, and be fined a sum not exceeding ten thousand dollars.

SEC. 2. Every person who shall, within this State, build, construct, alter, fit out, or shall aid or assist in building, constructing, or fitting out any vessel or boat for the purpose of making war or privateering or other purpose, to be used in the service of any person or parties whatsoever, to make war on the United States of America, or to resist by force the execution of the laws of the United States, or for the purpose of privateering under authority of any organized or pretended government, shall, upon conviction thereof, be imprisoned in the State prison for a term not less than two nor more than twenty-one years, and be fined a sum not exceeding ten thousand dollars.

Any person aiding in any way in resisting government, guilty of, and how punished.

SEC. 3. It is hereby declared that an emergency exists for the immediate taking effect of this act; therefore the same shall be in force from and after its passage, and the Secretary of State is hereby required to have the same published in the Indianapolis Daily Journal and the Daily State Sentinel.

Emergency declared.

NOTE.—Published in Daily Journal and Sentinel May 17, 1861.

## CHAPTER XXX.

AN ACT defining what shall constitute certain felonies, and fixing the penalties therefor.

[APPROVED MAY 31, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That any person or persons who shall unite or combine with any other person or persons for the purpose of committing a felony, or any person or persons who shall knowingly unite with any other person or persons, or body, or association or combination of persons, whose object is the commission of a felony or felonies, shall be guilty of a felony, and upon conviction shall be fined in any sum not exceeding five thousand dollars, and be imprisoned in the State Prison not less than two, nor more than twenty-one years: *Provided,* That in any indictment under this section, it shall not be necessary to charge the particular felony which it was, the purpose of such person or persons, or the object of each person or persons, or body, association or combination of persons to commit.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, and that the same shall be in force from and after its passage and publication in the Indiana State Sentinel and Indianapolis Journal.

NOTE.—Published in Daily Journal and Sentinel June 5, 1861.

## CHAPTER XXXI.

AN ACT authorizing the Governor, Auditor, and Treasurer of State to borrow money in certain cases therein specified, and prescribing how the same shall be expended and repaid.

[APPROVED JUNE 3, 1861.]

Temporary  
loans author-  
ized, to purchase

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That when it shall be necessary in order to

purchase supplies for the troops in the service of this State, or to provide for the transportation of the same, and there is no money in the treasury to meet the appropriations made for these purposes, it shall be lawful for the Governor, Auditor and Treasurer of State to make temporary loans to meet such expenditures, to be repaid out of the funds appropriated at the present session of this General Assembly for the purposes aforesaid, when they shall be paid into the State Treasury.

supplies for troops when no money in Treasury.

SEC. 2. Any debt created under the first section of this act shall be binding on the State of Indiana, and for the payment thereof, with the interest thereon, the faith of the State is irrevocably pledged.

State faith pledged for payment of debt thus created.

SEC. 3. Any money so borrowed by the Governor Auditor and Treasurer of State, shall be paid into the State Treasury, and shall be drawn out on the warrants of the Auditor of State as in other cases.

Money borrowed, to be paid into Treasury.

SEC. 4. There being an emergency for the immediate taking effect of this act, the same shall be in force from and after its passage.

Emergency declared.

## CHAPTER XXXII.

AN ACT to legalize the incorporation of towns under "An act for the incorporation of towns, defining their powers, providing for the election of the officers thereof, and declaring their duties, approved June 11th, 1852, and all by-laws, rules, regulations, and proceedings, adopted in pursuance thereof."

[APPROVED MAY 30, 1861.]

Preamble.

WHEREAS, The above entitled act, forming a part of the Revised Statutes of 1852, in consequence of unexpected delay in the distribution thereof, did not go into force and become the law until the 6th day of May, 1853: AND WHEREAS, Before said day in sundry of the counties of this State, when said Revised Statutes had been delivered, towns were incorporated and by-laws adopted and rules and regulations established, and other proceedings had upon the supposition, and under the belief that said act was in force: AND WHEREAS, Many acts have been done by such towns then

incorporated which were supposed to be legal but which have since been discovered not to be. Therefore,

Incorporations  
before Revised  
Statutes went  
into force, legal-  
ized.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the incorporation of all towns within the State under said act before the same went into effect, be, and the same are hereby, legalized and rendered valid, as though the same had been done after the taking effect of said act.

Acts of such  
cities legalized.

SEC. 2. That all by-laws, rules and regulations, ordinances, assessments of taxes, and any and all proceedings of any and every kind and description of such towns, be, and the same are hereby, legalized and rendered valid, as though such towns had been legally incorporated in the first place.

Emergency de-  
clared.

SEC. 3. An emergency exists requiring the immediate taking effect of this act; therefore this act to be in force from and after its passage.

## CAPTER XXXIII.

AN ACT supplemental to an act, entitled "An act to authorize the construction of Levees and Drains," approved June 12th, 1852.

[APPROVED JUNE 4, 1861.]

Before associ-  
ation shall pro-  
ceed to make  
collection of as-  
sessments, to  
execute bond to  
State of Indiana.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That before the Board of Directors of any association organized under the provisions of the act to which this is supplemental, for the construction of levees and drains, shall proceed to collect any assessments made on the lands to be benefitted thereby as provided in said act, they shall execute a bond to the State of Indiana with surety to be approved of by the County Commissioners of the proper county in double the amount of the estimate of the cost of construction of the proposed work, conditioned for the faithful application of all moneys received by them to the construction of the work or other legitimate objects of the association for which the association was organized, according to the provisions of said act; and any person aggrieved by the failure or refusal



of said board so to apply the money as aforesaid may bring suit on said bond before any Court of competent jurisdiction.

SEC. 2. The Board of Directors shall in no case hereafter order the payment of the full assessments of benefits to the owners of lands, unless the same is absolutely required for the completion or repair of the work of such association, but in all cases shall order the payment of so much of said assessments as may be necessary for successfully carrying on and completing such work, and such other necessary expenses as are contemplated by the provisions of said act to which this is a supplement: *Provided*, That the provisions of this act shall not be applied nor be applicable to any corporation organized under the provisions of the act to which this act is supplemental, that has constructed more than half of the proposed work.

Directors not to order payment of full assessments, unless necessary for completion or repair of work.

SEC. 3. An emergency is declared to exist, and this act shall be in force from and after its passage.

Emergency declared.

## CHAPTER XXXIV.

AN ACT to amend the 11th and 24th sections of an act, entitled "An act regulating the election and duties of State Librarian," approved May 27th, 1852, and to punish the violation of its provisions.

[APPROVED JUNE 4, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section eleven of the above entitled act, which is as follows:

"The Librarian shall, with the consent of the Auditor, Treasurer, and Secretary of State, fix the time during which any authorized person may detain a book from the State Library; and shall make from time to time necessary by-laws for the government of said Library, and a copy of such by-laws shall hang in a conspicuous place in the Library for inspection of visitors. A person violating any of such by-laws shall not be permitted to use such Library for one year," be amended so as to read as follows:

The Librarian shall, with the consent of the Auditor, Treasurer, and Secretary of State, fix the time during which any

Amended to prohibit the letting out of certain

4—E. S.

books, except to certain persons. authorized person may detain a book from the State Library; and shall make from time to time necessary by-laws for the government of said Library, and a copy of said by-laws shall hang in a conspicuous place in the Library for the inspection of visitors, but no Law book, nor Reviews, Magazines, Cyclopedias, books for reference of any kind, news or literary journals, in bound or single numbers, or any work in a number of volumes, or any very costly or rare work, or book from the Law Library, shall be taken from the Library Rooms, except temporarily by the Judges of the Supreme Court of this State, of the United States Court, Officers of State, Members and Officers of the General Assembly, when required in the discharge of their official duties, and for no other purpose, such books may be taken temporarily to the Court room during the session of any Court held in the Capitol buildings, by attorneys practicing therein, and for no other purpose.

SEC. 2. That section twenty-six of said act, which reads as follows:

Sec. 26 recited. "The Librarian may sell or exchange, for the benefit of the State Library, any duplicate, imperfect, damaged, or other work not wanted for the use of the Library," be amended so as to read as follows:

Amended to authorize Librarian to sell certain books; keep account of exchanges, and report to Legislature.

The Librarian may exchange for the benefit of the State Library any duplicate, imperfect, damaged, or other work not wanted for the use of the Library. The Librarian may also, with the consent of the Secretary of State, sell such works for the benefit of the State Library. The Librarian shall keep an accurate account of all exchanges and sales, stating what books have been parted with, and what received, what sold and for what price, and report the same to the Legislature at each session. He shall be charged with and account for all books received in exchange and all money received for sales.

If Librarian appropriate books, or proceeds of sale, to his own use, deemed guilty of misdemeanor.

SEC. 3. If the Librarian shall appropriate to his own use, or dispose of any of the books in the law or any other department of the State Library, or the proceeds of any exchanges or sales of books, or knowingly make any false report thereof, contrary to the provisions of this act, or the act to which it is an amendment, he shall be deemed guilty of a misdemeanor and fined not less than five nor more than one thousand dollars, and shall forfeit and be deprived of his office.

Emergency declared.

SEC. 4. It is hereby declared that an emergency exists for the immediate taking effect of this act, the same shall therefore take effect from and after its passage.

## CHAPTER XXXV.

AN ACT making additional provision for the payment of the loan of two millions of dollars authorized by the act of the General Assembly," approved May 13th, 1861.

[APPROVED JUNE 4, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the tax levied for State Debt Sinking Fund purposes for the years 1861 and 1862 and provided for the year 1863, and for each and every year thereafter, in an act, entitled "An act in relation to applying certain funds therein named to the payment of the public debt, and raising a revenue for the support of Common Schools, and to repeal all laws in conflict therewith," approved March 9th, 1861, shall be, and the same is hereby, appropriated and applied to the redemption of the debt created and to be created under the provisions of an act, entitled "An act to authorize the Governor to issue bonds, to appoint a Board of Loan Commissioners, and defining their duties requiring the Sinking Fund Commissioners to purchase bonds, defining their duties in relation to the interest received on the same, and levying a tax to meet the payment of the interest and the principal of the bonds to be sold," approved May 13, 1861.

What tax to be applied to payment of debt created, and to be created.

SEC. 2. All laws and parts of laws coming in conflict with the provisions of section one of this act, so as to interfere in anywise with the direction therein given, or intended to be given to the proceeds arising from the tax therein named, shall be, and the same are hereby, repealed and suspended in their operation until the principal and the interest of the loan to be extinguished shall have been fully liquidated.

Repeal.

SEC. 3. Should the Federal Government at any time hereafter assume the indebtedness incurred by the State of Indiana in providing supplies and men to aid said government in putting down the present rebellion, the money so paid, or the securities so given in such assumption, shall enure to the benefit of holders of the bonds for payment of which provision is herein made, and the State Debt Sinking Fund Commissioners are hereby directed to apply the funds or securities so given as in this section is contemplated, to the liquidation of the debt, with the payment of which said State Debt Sinking Fund Commissioners are charged, and that said securities shall neither be loaned or otherwise disposed of than in this section is provided.

Should Federal Government assume indebtedness incurred, money so paid, to be applied for benefit of bondholders.

Duty of commissioners, if bondholders refuse to exchange for Government securities.

SEC. 4.. In case the holders of the bonds of the loan herein provided for should refuse to exchange the same for the Federal Government securities, or in case the said bonds could not be redeemed by said commissioners at a rate not exceeding their par value, then and in that case the said State Debt Sinking Fund Commissioners are hereby empowered and directed to invest the funds arising from the tax to be levied for the extinguishment of the said loan, and the securities contemplated in section three of this act in the two and one-half and five per cent. stocks of this State.

Emergency declared.

SEC. 5. An emergency is declared to exist for the immediate taking effect of this act, it shall therefore be in force from and after its passage.

## CHAPTER XXXVI.

AN ACT for the organization and regulation of the Indiana Militia, prescribing penalties for violations of said regulations, providing for the election and appointment of officers, defining the duties of military and civil officers, and penalties for the neglect or violation thereof, providing for Courts Martial, Councils of Administration and Military Encampments, making appropriations for the support of said Militia, repealing all laws heretofore enacted on that subject, saving certain acts therein named, and declaring an emergency for the immediate taking effect thereof.

[APPROVED MAY 11, 1861.]

Militia classified.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Militia shall be divided into two classes:

*First*—Sedentary.

*Second*—Active.

### OF THE SEDENTARY MILITIA.

What sedentary to consist of.

SEC. 2. The Sedentary Militia shall consist of all white male persons subject to bear arms under the Constitution of Indiana, who do not belong to the Active Militia.

## OF THE ACTIVE MILITIA.

SEC. 3. The Active Militia shall consist of able-bodied white male persons, between the ages of eighteen and forty-five years, who shall be enrolled members of armed and uniformed companies, duly organized and mustered into the services of the State, according to the provisions of this act.

What active to consist of.

SEC. 4. All county auditors, assessors, sheriffs, or other civil officers, upon whom are devolved the discharge of specific duties under this act, who shall neglect or refuse to obey the provisions of the law herein specified, shall forfeit and pay not more than five hundred nor less than twenty dollars for each and every offence, to be recovered in any Court of competent jurisdiction, for the use of the Military Fund of the State, in an action by the State, on the relation of any commissioned officer in the county.

County and other officers failing to discharge their duty, penalty prescribed.

## OF THE MILITARY FUND.

SEC. 5. One-fourth part of the Military Fund shall remain in the State Treasury, and shall be drawn on the warrant of the Commander-in-Chief, to pay the salaries of the Adjutant-General and the Quartermaster-General, and to pay the expenses of State and Brigade Encampments and Brigade Courts Martial, and such other expenses as may accrue in the procurement of blanks provided for in this act.

Military fund.—One-fourth to be in State Treasury, and how drawn.

SEC. 6. The balance of the Military Fund shall forthwith be distributed, *pro rata*, by the Treasurer of State among those counties having an Active Militia in proportion to the number of Active Militia in each county, as shown by the Adjutant-General, which money shall be paid to the treasurers of said counties, and by them distributed as follows:

Balance, how and by whom distributed.

*First.* One-fourth of the Military Fund thus placed into the hands of the county treasurer shall be drawn on the warrant of the Colonel, to pay the actual expenses of the Quartermaster-General of the Regiment, for the preservation of the public arms, and to defray the expenses of Regimental or Battalion drills, parades, encampments and courts martial.

*Second.* The balance of the Fund, after the preceding disbursements, shall be distributed on the warrant of the Colonel, among the companies of the active Militia in his Regiment, proportioned in accordance with the number of members in each, to be used by such companies to defray the expenses of company drills and courts martial, of armories and music, and for the procurement of equipments and munitions.

SEC. 7. There is hereby and shall be appropriated annually, for the years 1861 and 1862, out of the revenue of the

Appropriation for 1861 and 1862.

State the sum of seventy thousand dollars, which shall be set apart and constitute a special fund for military purposes.

#### OF THE ORGANIZATION OF THE ACTIVE MILITIA.

Active militia,  
styled "Indiana  
Legion."

SEC. 8. The active Militia shall be styled the Indiana Legion. Every able-bodied white male citizen, or white male resident of the State, over eighteen years of age and under forty-five, may be admitted into its organization, who shall voluntarily take and subscribe the following oath, administered by the mustering officer, who is hereby vested with power and authority so to do:

Oath.

"I solemnly swear (or affirm) that I will honestly and faithfully serve the State of Indiana against all her enemies or opposers, and that I will do my utmost to support the Constitution and laws of the United States and of the State of Indiana, against all violence of whatever kind or description; and I further swear (or affirm) that I will well and truly execute and obey the legal orders of all officers legally placed over me, when on duty; so help me God;" or under the pains and penalties of perjury, as the case may be.

Legion considered single army corps, composed of divisions, brigades, regiments, battalions, and companies, and general field and staff officers.

SEC. 9. The Legion, in its complete organization, shall be considered as a single army corps, composed of Divisions, Brigades, Regiments, Battalions, and Companies, and the necessary general officers and field and staff officers.

*First.* A Company shall consist of a Captain, a First Lieutenant, a Second Lieutenant, an Orderly Sergeant, four Sergeants, four Corporals, a Company Clerk, who shall be elected by the Company, and not less thirty-two nor more than one hundred privates; and the Captain may occasionally appoint Lance Sergeants and Lance Corporals, when there may be a necessity for a greater number of non-commissioned officers.

*Second.* Four Companies shall constitute a Battalion.

*Third.* Three Battalions shall constitute a Regiment.

*Fourth.* Three Regiments shall constitute a Brigade.

*Fifth.* Three Brigades shall constitute a Division.

Organizations,  
except company,  
may be modified.

*Sixth.* But the organization above directed for the Legion, with the exception of the Company organization, may be modified by the Governor, according to the conveniences and the necessities of the service.

#### OF FIELD AND GENERAL OFFICERS.

Major, his powers and duties.

SEC. 10. A Major shall be elected by the men of each Regiment.

*First.* He shall appoint two persons to discharge the duties respectively of Adjutant and Paymaster, and Quarter-

master and Commissary; and, in case of necessity, may assign all those duties to one officer.

*Second.* He may also appoint two non-commissioned officers as the non-commissioned staff of the Battalion.

*Third.* He shall also have authority to appoint an Assistant Surgeon, with the rank of First Lieutenant.

SEC. 11. A Colonel and a Lieutenant Colonel shall be appointed by the Governor for each Regiment, who shall be commissioned for four years.

Governor to appoint Colonel and Lieutenant Colonel.

*First.* The Colonel shall appoint the Regimental Staff, to consist of Adjutant, a Regimental Quartermaster, a Paymaster and Surgeon, and Judge Advocate, each of whom shall have the rank of Lieutenant; and the non-commissioned Staff to consist of a Sergeant Major, a Quartermaster Sergeant, and a Color Bearer.

Powers and duties of Colonel.

SEC. 12. A Brigadier General shall be appointed by the Governor for each Brigade.

Governor to appoint Brigadier-General.

*First.* Such Brigadier General shall appoint the Brigade Staff, to consist of a Brigade Inspector, who shall also discharge the duties of Assistant Adjutant General, a Quartermaster, a Paymaster, a Surgeon, and a Judge Advocate, each of whom shall have the rank of Major, and an Aid-de-Camp, with the rank of Captain.

His powers and duties.

*Second.* He may also appoint four Staff Surgeons, as assistants in the offices and duties of his Staff.

SEC. 13. A Major General shall be appointed by the Governor for each Division.

Governor to appoint Major General.

*First.* Such Major General shall appoint the Division Staff, to consist of a Division Inspector, who shall also discharge the duties of Assistant Adjutant General, a Quartermaster, a Paymaster, and a Surgeon, and Judge Advocate, each of whom shall have the rank of Lieutenant Colonel, and two Aids-de-Camp, with the rank of Major.

His powers and duties.

*Second.* He may also appoint four Staff Sergeants, as assistants in the offices and duties of his Staff.

#### OF MUSTERING VOLUNTEERS INTO THE LEGION.

SEC. 14. Whenever an association of individuals shall desire to volunteer as a company in the Legion, they shall first file with the auditor of the county in which said association has been formed, a copy of their articles of association, and accompanying it with an undertaking, with security to the satisfaction of the auditor, that they will each uniform themselves. A list of members of not less than forty-six shall be forwarded to the Adjutant General, (or other officer who may be hereafter designated by the order of the Governor,) who should be satisfied that the members are loyal to the State and the United States and are legally qualified, and will uniform

What necessary for association of persons desiring to be sworn into Legion. Duty of Adjutant General, relative to election of officers of company.

themselves, shall issue an order for the election of officers, specifying the time and place of holding such election. He shall also, before the election is held, appoint three disinterested persons to receive and count the ballots in his presence, should he attend in person, or in the presence of the officer to whom he may have delegated his authority to preside at such election, and to muster the company into the State service. No officer shall be considered elected unless he receives a majority of all the votes cast, which in all cases shall be by ballot, and no primary election shall be valid, unless by two-thirds of the company vote. After the election of the officers authorized by this act, the officer presiding at the election shall proceed to muster the company into the Legion, by causing every member to take in his presence the oath of allegiance hereinbefore prescribed.

Mustering officer certify to Adjutant General, result of election, and he cause commissions to be forwarded to officers elected.

Person becoming member of company, to take oath of allegiance.

Members of Legion shall uniform them. selves, and penalty on failure to do so.

This having been done, the mustering officer shall make a certified statement of the fact, and of the result of the election, through the proper channels of correspondence to the Adjutant General, who shall cause the commissions to be forwarded to the officers elected.

SEC. 15. Every person, on becoming a member of a company, after it has been mustered into the Legion, shall be required by the Commander to take the oath of allegiance.

SEC. 16. Every member of the Legion shall provide himself with his proper uniform, within three months after becoming a member of the organization. His failure to do so will subject the offender to such penalties as may be inflicted by the by-laws of the organization, or by sentence of a court martial.

Company clerk to receive compensation.

SEC. 17. The company clerk may receive such compensation for his services as the Council of Administration of the Company shall allow, to be paid out of the Company fund; and it shall be his duty to keep the records of the company in accordance with the orders of the commander and the requirements of the constitution and by-laws.

#### OF SUPPLYING ARMS AND EQUIPMENTS TO COMPANIES OF THE LEGION.

Commanding officer of each company to make requisition on Quartermaster-General for supplies of arms and equipments.

SEC. 18. The commanding officer of every company of the Legion shall make a requisition on the Quartermaster General for such supply of arms and equipments as may be necessary for his company. This requisition accompanied by the commanding officers' receipt to the Quartermaster General, shall be forwarded to the Governor. Should the Governor approve, he shall give an order on the back of the requisition, directing the Quartermaster General to make the issue. The arms having been issued, the Quartermaster General will file



the receipts and requisition as vouchers to accompany his annual return to the Governor.

SEC. 19. Arms and equipments and all military stores and equipage, issued as above provided, shall be charged by the Auditor of State to the counties in which such military companies were organized, for which purpose all issuances of the kind must be promptly reported to him by the Quartermaster General.

Arms and equipments, &c., by whom and how charged.

SEC. 20. The officers and members of all such volunteer companies shall file in the office of the county auditor such bond and security as such auditor may deem requisite to secure the county from loss, on account of the use or misapplication of such arms or equipments or other stores. Such bond shall be payable to the board of commissioners of the county.

Officers and members of companies to file bond with county auditor, for safety of arms.

SEC. 21. When any arms, equipments, or military stores, which have been issued as above provided, to any county, shall again come into the possession of the Quartermaster General, it shall be his duty to forward his receipt therefor to the auditor of the county.

Duty of Quartermaster General, when arms, equipments, &c., shall again come into his hands.

SEC. 22. At the close of each fiscal year, it shall be the duty of the Auditor of State to settle the account of each county, with reference to the issues which have been made in pursuance of the requirements of this act, and whenever it shall appear to his satisfaction that a county has failed to return said issues, or any part thereof, on the demand of the Governor, or that any arms or other issues have been damaged beyond the injury resulting from the necessary use of such articles issued, or that a deficiency at any time exists in the number or quantity of such arms or military stores, then he shall charge the value of such missing arms and stores, and the amount of such unnecessary damage, to such county; and the amount thus found due shall, on the demand of the auditor, be assessed as part of the county levy, and collected in such county in the same manner as ordinary taxes, and shall be paid into the State Treasury, as a separate fund to be applied by the Governor to the purchase of other arms for the State.

Duty of Auditor of State, at close of fiscal year.

#### OF ELECTIONS IN THE LEGION.

SEC. 23. Unless otherwise specially ordered, all elections shall be held at the armory, or other ordinary place of meeting of each company, or other command, and no person who has been more than three months a member of the Legion, shall be permitted to vote unless he appears at the polls in the proper uniform of his corps.

Elections, where to be held.

SEC. 24. In cases where there has been a failure to elect, the persons receiving the smallest number of votes shall be

Mode of election.

successively dropped after the second ballot; and no votes which may thereafter be cast at said election for such person shall be counted, and, in case of a tie, it shall be determined by lot to be drawn by the candidates in presence of the judges of the election.

Manner of election after company mustered in.

SEC. 25. At all elections held after a company has been mustered into the State service, modes of procedure similar to those prescribed for the election of company officers shall be followed; but unless other judges are appointed for such election, the three persons highest in rank of the officers or non-commissioned officers present, and who shall not be candidates at such election, shall be the judges.

Oath to be taken by officer.

SEC. 26. Every officer on receiving his commission, shall take the oath of office prescribed in the Constitution, and in addition thereto, the following: "And I do further swear or affirm, that I will honestly and faithfully serve the State of Indiana against all her enemies and opposers, and obey the legal orders of all officers placed over me, so help me God—or under the pains and penalties of perjury," as the case may be.

#### OF BANDS AND FIELD MUSIC.

Musicians and bands.

SEC. 27. There may be raised for each company, by the voluntary engagement of such persons, two musicians; and for each battallion a band, to be composed of not more than ten musicians; which several bands, when the Regiment is assembled, shall be consolidated into a Regimental Band under the command of the Adjutant. The Colonel may appoint a Leader, Drum Major, and principal musicians, who shall rank as Sergeants. The musicians and members of the bands shall be subject to the requirements of this act, and councils of administration may make reasonable appropriations from the Company, Battallion, and Regimental funds, for the payment of such members of the bands, and for the hiring of other music when necessary.

Musicians subject to regulations that govern body employing them.

SEC. 28. All musicians and other persons, whether members of the active militia or not, who may hire their services to a military body, or to any member thereof, shall, during the term for which they were employed, be subject to the same laws and regulations that govern the military body with which they may serve.

#### OF CAVALRY AND ARTILLERY.

Cavalry and artillery may be organized and attached to any portion of in-

SEC. 29. Companies of Cavalry and Artillery may be organized in like manner with Infantry Companies, and may be attached to any portion of the Infantry force, or otherwise

organized, as may be most expedient: *Provided*, That in the first distribution of arms, and the organization of said Regiment of Cavalry, preference shall be given to companies organized in the counties of the First, Second, Third and Fourth Congressional Districts.

fantry force, and  
p eferen acegiv-  
en.

## ON UNIFORM.

SEC. 30. Every Company, Battallion or Regiment of the active Militia, unless the Governor shall prescribe a uniform, shall adopt a uniform for itself, which will be subject, however, to the approval of the Governor; and no uniform which is not thus approved shall be worn when on duty, unless the Governor shall otherwise direct. The uniform of all general officers and their staff, and of all other officers who may not be required to wear the distinctive uniform of their Regiment or corps, shall be similar to that of corresponding grades and corps in the United States army, but with modifications adapting it to State troops.

Militia, unless  
Governor pre-  
scribe uniform,  
may adopt, sub-  
ject to approval  
by Governor.

SEC. 31. The Governor, on military duty, will ordinarily wear the uniform of a Lieutenant General.

Uniform of Gov-  
ernor.

## OF TROOPS IN THE STATE SERVICE.

SEC. 32. Whenever any portion of the active Militia shall be ordered to assemble for the purposes of military instruction, under the authority of the Governor, or whenever any part of the State forces shall be ordered to assemble under his authority in time of war, invasion, insurrection or public danger, the rules and articles of war, and the general regulations for the government of the army of the United States, with such modifications as the Governor may prescribe, shall be considered in force, and regarded as part of this act during the continuance of such instructions, and to the close of such state of war, invasion, insurrection or public danger; but no punishment under such rules and articles which shall extend to the taking of life, shall in any case be inflicted except in time of actual war, invasion or insurrection, declared by proclamation of the Governor to exist, or to be threatened or anticipated.

When militia  
ordered to as-  
semble, articles  
of war, and gen-  
eral regulations  
of the U. S.  
Army, with  
such modifica-  
tions as Gover-  
nor may make,  
considered in  
force.

SEC. 33. Whenever any portion of the Militia shall be called into the service of the State by the Governor in time of war, invasion, insurrection or public danger, they shall be entitled to pay at the same rates, in every respect, as the corresponding grades may at the time be entitled to in the United States Army.

Rates of pay, in  
time of war or  
invasion.

## SYSTEM OF INSTRUCTION.

SEC. 34. The Indiana Legion shall be considered as com-

Kind of troops  
considered com-

posing Indiana Legion; system of instruction, and length of time for officer to prepare himself to instruct.

Duty of commanders.

Further duty of commanders.

Of Battalion and Regimental drills.

Of Brigade and Division encampments.

Of military ceremonies.

Of disbursing agents of Legion.

Embezzlement by officer of Legion, and penalty.

posed essentially of light troops, and the systems of instruction tactics prescribed for such troops in the United States Army, shall be at all times followed in this organization. All other systems are forbidden; and every officer who fails to qualify himself within a reasonable time for the duties of his position as an instructor of those under his command, shall be dismissed by a sentence of court martial for incapacity.

SEC. 35. It shall be the duty of all commanders to see that their entire commands are properly instructed in the prescribed drill and discipline, and to this end they shall order officers' drills, schools of instruction, and superintend the same, and either give instruction themselves, or require some well instructed officer to do so under their directions. They shall likewise frequently superintend the instructions of the companies, at their armories, or other places of meeting.

SEC. 36. Commanders of companies shall cause their companies to parade not less than four times in each year. They shall, in addition thereto, order such company drills as may be proper, which shall be not less than twelve drills per annum.

SEC. 37. Commanders of Battalions and Regiments, when their commands, or any considerable portion of them, are in the same county, may have not less than three Battalion drills in each year.

SEC. 38. Brigade and Division commanders may order Encampments, not to exceed three days in each year, for the same troops, when approved by the Governor.

SEC. 39. All military ceremonies shall conform to the rules and regulations in the United States Army.

#### OF DISBURSING OFFICERS.

SEC. 40. Any officer of the Legion charged with the disbursement or safe-keeping of the public money, or of any of the funds authorized to be created by this act, who shall not render to the proper authorities a satisfactory account of such money, or shall fail to pay over to his successor such sum or sums as may be in his hands, or as he may have failed satisfactorily to account for, shall be proceeded against as is provided in cases of fines, by courts martial, and the proceedings of the council of administration shall be taken as evidence in the case.

SEC. 41. Any officer of the Legion who shall embezzle or misapply public money, or military funds, or public arms, or other property intrusted to his care, shall be deemed guilty of felony, and, on conviction thereof, shall be imprisoned in the State Prison for not less than one nor more than ten years, and fined in a sum equal to the amount embezzled or misapplied.

## CONSTITUTION AND BY-LAWS.

SEC. 42. Each Company, Battalion and Regiment may adopt a constitution and by-laws for its own government, not inconsistent with this act, which shall be obligatory on its own members, after the same shall have been approved by the Governor, and the fines assessed under the said constitution and by-laws may be collected before a justice of the peace, as provided in cases of courts martial.

Company, Battalion, and Regiment, may adopt constitution and by-laws.

## OF GENERAL STAFF OFFICERS.

SEC. 43. Whenever the necessities of the service may demand it, the Governor may appoint on his own staff, and direct the appointment on the staff of his subordinates, which subordinates shall select the members of their own staff, of the proper number of officers corresponding with the organization of the general staff corps of the United States Army.

Governor to appoint his own staff.

## ON ENCAMPMENTS.

SEC. 44. Every commanding officer of a military encampment, or of a military parade, drill or review, is hereby authorized to ascertain and fix necessary bounds and limits to his parade and drill grounds, (not including any road on which people travel, so as to prevent their passage,) within which no spectator shall have a right to enter without leave from such commanding officer; and in case any person shall intrude within such limits after once being forbidden, he may be confined under guard during the continuance of said drill, review or encampment, or for a shorter time, at the discretion of the commanding officer, and any person who so offends, or who shall resist any sentry or member of the guard who attempts to put him out of such limits, or to keep him out of the same, may be arrested by order of such commanding officer, using such force as may be necessary for that purpose, and carried before some court or magistrate, or justice of the peace, to be examined or tried for such assault or disturbance and breach of the peace, upon affidavit thereof; and it shall be the duty of such civil officer, on the showing of such fact, to deal with such offender as for violation of the Statute protecting lawful assemblages.

Of encampments; officers to fix bounds of, and penalty for spectators passing bounds.

## OF TROOPS CALLED OUT BY CIVIL AUTHORITY.

SEC. 45. Whenever there shall be in any city, town or county, any tumult, riot, mob, or any body of men acting together by force, with intent to commit any felony or misdemeanor, or to offer violence to any persons or property, or by force and violence to break and resist the laws of this State,

Who may call out militia to suppress disturbance, &c.

or the laws or authorities of the United States, or any such tumult, riot or mob, shall be threatened, and the fact be made to appear to the Governor, or to the Mayor of any city, or to any court of record sitting in said city or county, or any judge thereof, or to the shirriff of said county, or, in his absence, to his lawful deputy, the Governor may issue his order, or such mayor, court, judge or sheriff, or deputy sheriff, may, in writing, direct the senior or other military officers convenient to the scene of disturbance, to turn out such portion of his or their command as may be necessary to quell, suppress or prevent such tumult or threatened tumult, and any officer or member of the military, who shall fail promptly to obey such orders and directions of said civil officers, shall be cashiered.

Who may order militia to fire, and cease firing, on mob.

SEC. 46. Whenever it becomes necessary, in order to sustain the supremacy of the law, that the troops should fire upon a mob, the civil officer calling out such troops, (in the exercise of a sound discretion,) shall give the order to fire to the superior officer present, who shall at once proceed to carry out the order, and shall direct the firing to cease on his own order, or when ordered by the proper civil authority.

No officer to fire blank cartridges on mob, and penalty if he does.

SEC. 47. No officer, who has been called to sustain the civil authorities, shall, under any pretence, or in compliance with any order, fire blank cartridges on a mob, under penalty of being cashiered by a sentence of a court martial.

#### OF COUNCILS OF ADMINISTRATION AND OF SPECIAL FUNDS.

Council of administration to be convened.

SEC. 48. The commanding officer of every company, battalion, brigade, division or army corps shall convene a council of administration, at least twice in every year, or oftener, if necessary. Councils of administration shall consist of three officers next in rank to the commanding officer, or if there be but two, then the next two; if but one, then the one next; and if there be no other than himself, then he shall act.

Proceedings of council to be recorded; by whom, and by whom signed.

SEC. 49. The junior member shall record the proceedings of the council in a book, and submit the same to the commanding officer. If he disapprove the proceedings, and the council, after reconsideration, adhere to its decision, a copy shall be sent by the commanding officer to the next higher commander, whose decision shall be final, and entered in the council book, and the whole be published for the information and government of all concerned.

The proceedings of councils of administration shall be signed by the senior member and recorded, and the recorder of each meeting, after entering the whole proceeding, together with the final order thereon, shall deposit the book with the commanding officer. In like manner, the approval or disap-

proval of the officer ordering the council, will be signed by<sup>1</sup> his own hand.

SEC. 50. The council of administration shall audit and settle the accounts of the treasurer of the corps of the troops for which such council shall be appointed, and pass specific resolves for all expenditures of the funds of said corps of troops.

Council to audit accounts.

SEC. 51. All fines assessed by company courts martial, and all fines and forfeitures collected under the by-laws, shall go to, and constitute a part of, the company funds of the respective companies; and such fund shall be expended only for objects connected strictly with the promotion of the discipline instruction and military efficiency of the company to which the fund appertains; the purchase of camp equipage, and of subsistence, when the latter may be needed in periods of company instruction and encampment; and the hiring of transportation and music on such occasions will be legitimate objects of expenditure of company funds; but no expenditure will be made except on warrants drawn by the commander, based on specific resolves of the council of administration. The company clerk shall receive and disburse all moneys belonging to the company fund. He shall render an account of the company fund to the company commander on the last day of April, August and December of each year. He shall not be excused from his ordinary company duties by reasons of performing the duties of company treasurer.

Fines assessed, and for what purpose applied.

Duty of company clerk.

SEC. 52. All fines assessed by battalion courts martial, and all fines and forfeitures collected under the by-laws of battalions, shall go to and constitute a part of the battalion funds of the respective battalions; and such funds shall only be expended for objects connected strictly with the promotion of the discipline, instruction and military efficiency of the battalion to which the funds may appertain; the purchase of a battalion color, which shall be of the pattern prescribed by the Governor; the procuring of subsistence during periods of separate battalion encampment and instruction, and the hiring of transportation and music on such occasions, will constitute legitimate objects of expenditure of a battalion fund; but no expenditure will be made except on warrants drawn by the commander, based on specific resolves of the council of administration.

Fines assessed by Battalion courts martial, for what purpose applied.

SEC. 53. Every battalion paymaster shall receive and disburse all moneys pertaining to the fund of his battalion. He shall render an account of his fund to the battalion commander on the last day of April, August and December of each year. He shall not be excused from any other duty pertaining to his office on account of performing the duty assigned him in this section.

Battalion paymaster, and his duty.

Fines assessed by Regimental courts martial, and to what purpose applied.

SEC. 54. All the fines assessed by regimental courts martial, and all the fines and forfeitures collected under the regimental by-laws, shall go to and constitute a part of the regimental funds of the respective regiments, and such funds shall only be expended for purposes connected strictly with the promotion of the discipline, military efficiency, and instruction of the regiment to which the fund may appertain. The purchase of camp equipage and the regimental color, which shall be of the pattern prescribed by the Governor; the procuring of subsistence during periods of separate regimental instruction and encampment, and the hiring of transportation and music on such occasions, will constitute legitimate objects of expenditure of a regimental fund. But no expenditures will be made except on warrants drawn by the regimental commander, based on specific resolves of the council of administration. Every regimental paymaster shall receive and disburse all moneys belonging to the fund of his regiment, and shall render an account of his fund to the regimental commander on the last day of April, August and December of each year. Performing the duty assigned in this section shall not excuse a regimental paymaster from the performance of any other duty that may appertain to his office.

What shall constitute part of Brigade, Division, or army corps fund.

SEC. 55. All the fines assessed by brigade, division, and army corps courts martial shall go to and constitute a part of the fund of the brigade, division, or army corps, for which said courts may have been appointed. Said fund shall only be expended for objects connected strictly with the promotion of the discipline, instruction, and military efficiency of the troops to which said fund may appertain. But no expenditure shall be made except on warrants drawn by the commander of the troops to which the fund belongs, based on specific resolves of the council of administration. The purchase of camp equipage, the purchase of subsistence for periods of encampment and instruction, and the hiring of transportation and music for such occasions will constitute legitimate objects of expenditure of these funds. The paymaster of each brigade, division, and army corps shall receive and disburse all moneys appertaining to the fund of his corps, and shall render an account of the same to the commander of his corps on the last day of April, August and December of each year. Performing the duties assigned in this section shall not excuse any paymaster from performing any other duty appertaining to his office.

#### OF RESIGNATIONS, DISMISSALS AND DISCHARGES.

Resignations, how and to whom made.

SEC. 56. Any officer commissioned by the Governor, and desiring to resign his commission, shall express his desire in



writing, and transmit the same to the Governor, through his immediate commanding officer, who will endorse thereon his recommendation in the case, and the resignation shall go into effect when accepted by the Governor, and not before.

SEC. 57. In the expenses of the State Encampment to be paid on the warrant of the Governor, out of the fund set apart for that purpose, the necessary cost of transportation of men and baggage shall be included. The necessary arrangements and supplies for such encampment shall be provided under the direction of the Commander-in-Chief, by the Quartermaster-General, to whom all accounts of Assistant Quartermasters General in connection with such encampment shall be rendered.

Expenses of  
State encamp-  
ment, how paid.

#### OF COURTS MARTIAL.

SEC. 58. There shall be three classes of courts martial: First, company commanders shall have power to appoint courts martial for their respective companies; such courts shall consist of three members and a recorder, who shall be the Regimental Judge Advocate, or, unless otherwise provided, may be the company clerk. At least one member may be a commissioned officer, but the remaining members may be taken from the Sergeants. The authority of the company courts martial shall extend only to breaches of discipline in the administration of the company, both under the requirements of the general service and the company by-laws on the part of the non-commissioned officers, the musicians and the rank and file of the company for which said court may have been appointed. They may inflict fines not to exceed ten dollars, reduce non-commissioned officers to the ranks, and expel a member. Second, Regimental commanders shall have power to appoint courts martial for their respective regiments. Regimental courts martial shall consist of not more than seven nor less than three commissioned officers and the Regimental Judge Advocate. They shall take cognizance of all violations of the general regulations and orders for the government of the military forces of the State, of all breaches of discipline and good order, and of all infractions of the Regimental by-laws committed by the officers, the non-commissioned officers, the musicians, or the rank and file of their respective regiments. They shall have power to impose fines not to exceed thirty dollars, to expel musicians and the rank and file from their companies, to reduce non-commissioned officers to the ranks, and to expel them from the service, to suspend officers from rank and command, and to cashier them, but no sentence of a Regimental Court Martial cashiering an officer shall be carried into effect until it shall have been approved by the

5—E. S.

Courts martial  
classified, and  
their powers  
and duties de-  
fined.

Brigade Commander. Third, Commanders of Brigades shall have power to appoint General Courts Martial for their respective commands. General Courts Martial shall consist of not more than thirteen nor less than five commissioned officers, and a Brigade Judge Advocate. They shall take cognizance of all breaches of discipline and good order, and of all violations of the general regulations and orders for the government of the military forces of the State committed by the officers, the non-commissioned officers, the musicians, or the rank and file of the command for which the Court may be appointed. They shall have power to impose fines not to exceed fifty dollars, to expel musicians and the rank and file from their companies, to reduce non-commissioned officers to the ranks and expel them from service, to suspend officers from rank and command and cashier them, but no sentence of a General Court Martial cashiering an officer shall be carried into effect until it shall have been approved by the Brigade Commander, and only General Courts Martial shall have power to take cognizance of capital cases.

Of general courts martial.

SEC. 59. The proceedings of General Courts Martial shall be assimilated to the forms and modes of procedure directed for like Courts by the "Rules and Articles of War," and the general regulations for the government of the armies of the United States, and the proceedings of Regimental and Company Courts Martial shall be conformed to the modes of procedure practiced in Regimental and Garrison Courts Martial in the armies of the United States.

Who to preside over general courts martial.

SEC. 60. The senior officer on the detail, and present at the trial, shall preside over the deliberations of the Courts. He shall announce all decisions of the Court, and preserve good order and decorum during its sittings.

All persons, in military service or not, to treat courts martial with respect.

SEC. 61. All persons connected with the Military service are required to treat Courts Martial with respect, and in default of such respectful consideration, may be proceeded against by arrest and trial. Non-military persons are equally required to behave with respect and decorum towards Courts Martial, and to commit no disorder or disturbance in their presence; and for any such disorderly conduct or disturbance, they may be proceeded against before the nearest justice of the peace, and upon conviction, shall be fined not more than twenty, nor less than three dollars, with costs.

Duty of judge advocate or recorder, and powers.

SEC. 62. It shall be the duty of every Judge, Advocate or Recorder to keep a faithful record of the proceedings of his Court; to enter thereon the order appointing the Court, the names of the members present, the response of the accused when asked if he objects to any member of the Court, a copy of the charges and specifications against the accused, and his plea to each specification and charge, a brief synopsis

of the evidence of each witness for the prosecution and the defense, and finally, the finding and sentence of the Court in full—which proceedings shall be signed by the President, and attested by the Judge Advocate or Recorder, and transmitted, without delay, by the latter to the officer ordering the Court. The Judge Advocate or Recorder of every Court Martial, shall have the same power to summon all witnesses required either for the prosecution or the defense, as by existing laws the Clerks of the Circuit Court in the State have; and any person so summoned, and failing to attend, shall be dealt with as for a contempt under existing laws. Judge Advocates shall receive the same compensation for their services as prosecuting attorneys receive in cases of conviction, and witnesses summoned by them shall receive the same compensation for their attendance before Courts Martial, as is allowed by the laws now in force for their attendance upon the civil Courts of the State, recoverable from the accused if he be found guilty.

SEC. 63. Before the arraignment of the accused, the Judge Advocate or Recorder will administer the following oath or affirmation to the member, (which oath or affirmation will be taken by the members standing:) “You, A, B, C, D, (the Judge Advocate or Recorder addressing each member by his title name,) do solemnly swear or affirm that you will well and truly try and determine, according to evidence, the cause now before you, between the State of Indiana and the accused, and that you will render justice according to the rules and articles of war and the laws of this State for the government of its military force, without partiality, favor, or affection; and should any doubt arise, not explained by said rules and articles or laws, then according to the best of your understanding, and the custom of the service in like cases; and you do further swear, that you will not divulge the sentence of the Court, nor the votes nor the opinions of any particular member, unless required to give evidence thereof in a court of justice, in due course of law, so help you God, or under pains and penalties of perjury,” as the case may be.

Oath to be administered to members, before accused is arraigned.

SEC. 64. The Court, having been sworn by the Judge Advocate or Recorder, the following oath or affirmation will be administered by the President to him: “You, E, F, do solemnly swear or affirm that you will well and impartially discharge the duties of Judge Advocate, (or Recorder,) in the case to be tried, as well to the State as to the accused; and you do further swear, that you will not disclose the sentence of the Court, except to the authority ordering the same, nor will you disclose the votes or opinions of any particular member, unless required to give evidence thereof before a court of justice, in the due course of law, so help you God, or un-

Oath to be administered to judge advocate or recorder, by President.

der the pains and penalties of perjury," as the case may be, and the ministerial officer in attendance shall be sworn to secrecy.

Witnesses to be sworn.

SEC. 65. The Judge Advocate or Recorder shall administer the following oath or affirmation to every witness who may give evidence before a Court Martial or a Court of Inquiry: "You do solemnly swear or affirm that the evidence you shall give in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth, so help you God; or under the pains and penalties of perjury," as the case may be.

Members of court martial or inquiry, when to assemble.

SEC. 66. The members of a Court Martial or Court of Inquiry shall assemble, when practicable, in full dress uniform, and deliberate seated, the President at the head of the table, and the members on his right and left hand, according to rank, on each side of the table, the senior officers nearest the President. The Judge Advocate or Recorder will be seated opposite the President.

Duty of Regimental Quartermaster, acting at court martial.

SEC. 67. It shall be the duty of the Regimental Quartermaster, or ministerial officer, acting at a Company or Regimental Court Martial, to receive from the proper collecting officer such moneys or fines as may be collected in pursuance of the judgments of such Court Martial, giving his receipt for the same to pay the officiating Judge Advocate or Recorder, as the case may be, and attending witnesses the fees to which they may be entitled therefrom, and to pay over the balance to the Company or county treasurer, as the case may be, to be placed by him to the credit of the Company or Regimental fund in his possession.

Duty of assistant Quartermaster General officiating at Brigade court martial.

SEC. 68. It shall be the duty of the Assistant Quartermaster-General, or other ministerial officer officiating at a Brigade Court Martial, to receive from the proper collecting officer the moneys or fines which may be collected in pursuance of the judgments of each Court Martial, giving him his receipt for the same; to pay the officiating Judge Advocate or Recorder, as the case may be, and the attending witnesses, the fees to which they may be entitled therefrom, and to retain the balance as a special fund, to be appropriated in the liquidation of the contingent expenses of Brigade Courts Martial.

Persons acting at Brigade court martial, allowed mileage, and bills how allowed and paid.

SEC. 69. The persons acting upon a Brigade Court Martial shall be allowed ten cents per mile for the distance traveled, going to and returning from the place of meeting, and one dollar per diem during the session of such Court Martial. The bills of each member should be approved by the President of the Court Martial, and countersigned by the Judge Advocate or Recorder officiating, and when so approved and countersigned, they may be presented to the Adjutant General, and if deemed correct by him, he shall place his indorse-

ment thereon, whereupon a warrant shall issue from the Governor upon the Treasurer of State, against the Military Fund, for the amount of such bills or accounts

SEC. 70. The proceedings of a Court Martial shall be transmitted by the Judge Advocate or Recorder, without delay, to the officer ordering the same, or to his successor in command, who may confirm, disapprove, commute or remit the sentence, and as soon thereafter as possible shall issue his orders thereon, and file the proceedings in his office.

SEC. 71. No officer, non-commissioned officer, musician or private, shall be tried, except on written charges and specifications, of a nature sufficiently comprehensive to embrace all the matters of accusation; and the President of the Court will place all officers and non-commissioned officers in arrest, and musicians and privates in confinement, if the same has not been previously done, before they are put on trial.

SEC. 72. Officers cashiered by sentence of a Court Martial shall be precluded thereby from again volunteering into the military service of the State, except the sentence be remitted by the Commander-in-Chief.

SEC. 73. All fines inflicted by legally constituted Courts Martial shall be collectable by law, and a certified copy of the finding and sentence of the Courts Martial filed in any court of competent jurisdiction, praying relief and signed by an attorney, shall be a sufficient complaint. The proceedings for the recovery of any fine so inflicted, shall be in all respects like proceedings under the Statute to recover an ordinary debt. It shall be the duty of the Judge Advocate to institute the proceeding, or cause it to be instituted, and a copy of the finding of such court, certified by the presiding officer, shall be *prima facie* evidence of the facts therein contained.

SEC. 74. The fine, when collected, shall be paid over by the court to the treasurer of the company or the Quartermaster of the Regiment, or the Assistant Quartermaster General of Brigade, for which the Court Martial was in the first place appointed, such fine going into and constituting part of the fund of such company, regiment or brigade.

SEC. 75. The general principles and spirit of the military laws and regulations for the government of the armies of the United States, when not in conflict with the express provisions of this act, or the Constitution of the State of Indiana, shall be the guide of commanding officers and Courts Martial.

SEC. 76. No want of mere form, or the absence of a simple technicality, shall vitiate the proceeding of a Court Martial.

Duty of judge advocate or recorder, in relation to proceedings of courts martial.

Persons not to be tried unless on written charges, sufficiently plain to indicate charges.

Officers cashiered, precluded from entering State service, unless sentence remitted.

Fines inflicted, how collected.

When fines collected, where paid.

What laws and regulations courts martial to be governed by.

Absence of form not to vitiate proceedings.

## MISCELLANEOUS.

Who may administer oath.

SEC. 77. Any officer, or any portion of the staff, or any separate commander, shall have authority to administer oaths to military persons when such may be necessary under this act, and the same penalties shall attach to false swearing in such cases as are now provided by law in case of perjury.

No person to be member of two companies.

SEC. 78. No person shall be a member of two companies at the same time.

Officer moving beyond limits of command, considered resigning, or member, as being discharged.

SEC. 79. Any officer who removes beyond the limits of his company, or other command, shall be considered as having resigned; and every member of a company who removes beyond the limits of the county, shall be considered as having been discharged.

Who to take command, in absence of commander.

SEC. 80. In the absence of an appropriate commander or other officer, the next in rank in the same command and corps shall succeed to his authority.

If no commissioned officer present, Regimental officer to assign command.

SEC. 81. Should there be no commissioned officer present with a company, the regimental or other commander shall have authority to assign an officer to command until some officer is elected to the place.

Senior in command, to have authority over junior.

SEC. 82. Every senior in appropriate command shall have authority to control the actions of his junior, in accordance with the principles of military subordination, under the laws and usages that govern the United States Army.

What standard duties of staff and commanders to conform to.

SEC. 83. In all cases not herein otherwise directed, the duties, both of the staff and of commander and other officers and members of the active militia, shall be made to conform as nearly as possible to the duties of the corresponding position in the United States service.

Rank of officers when troops meet on duty.

SEC. 84. When bodies of troops meet on duty, the officer highest in rank in the line of command, shall command the whole, and an officer of higher rank may at any time take immediate charge of any portion of his command when on duty.

Preference, how determined, when of same grade.

SEC. 85. When officers are of the same grade, the officer holding a commission of the oldest date shall command, and if of the same date, their relative rank shall be determined by lot.

Duty of Adjutant General.

SEC. 86. It shall be the duty of the Adjutant General to furnish every military company, upon the commissioning of its officers, with Hardee's Infantry Tactics, and the other systems of tactics for light or other troops in the United States Army; also the Regulations of the Army of the United States, and Treatise on Military Law and Courts Martial, also copies of this act, which books shall be distributed as the property of the State, under proper regulations.

What rules and regulations to

SEC. 87. The rules and regulations provided for the gov-

ernment of the United States Army, as far as applicable, shall apply to the government of the active militia of this State, in such cases as may not be provided for by this act, except that no rule or regulation of the United States Army shall have effect in the government of the said militia where such rule or regulation would conflict with or supersede any provision of this act.

apply to government of active militia.

SEC. 88. The discipline and the position of companies, regiments and brigades in review, on parade, in line of march, or in line of battle, of the active militia, shall be determined and governed by the rules which govern the troops of the United States Army.

Discipline and position of companies, &c., how determined.

SEC. 89. All commanding officers, whether of companies, battalions, regiments or brigades, shall have power to place in arrest any officer or non-commissioned officer, and order into confinement any musician or private who may be under their command, and persons in arrest or confinement will not bear arms during the continuance of such arrest or confinement. In extreme cases, such as mutinous conduct, gross and willful violation of orders, and any other instances involving seriously the discipline of the command, non-commissioned officers may be placed under guard in like manner as musicians and privates.

Powers of commanding officers in regard to arrests.

SEC. 90. No commissioned officers, except staff officers, shall be dismissed from the service except by the sentence of a legally constituted Court Martial, rendered after a fair trial, and approved in the manner prescribed in the portion of this act organizing Courts Martial.

What officers shall not be dismissed from service, unless by court martial.

SEC. 91. No officer inferior in grade to regimental commanders, shall have power to grant discharges to non-commissioned officers, musicians or privates. Discharges shall be given in writing, setting forth fully the cause of discharge, and signed by the officer granting the same.

Who have power to grant discharges.

SEC. 92. Officers mentioned in this section shall receive annual salaries, as follows, to be paid quarter-yearly, out of the military fund in the State Treasury, that is to say: Adjutant General, eight hundred dollars; Quartermaster General, eight hundred dollars.

What officers have salaries.

SEC. 93. No person shall be appointed Adjutant General or Quartermaster General, unless he has received a regular military education, or has had experience as a military officer sufficient to qualify him for the position.

Who disqualified from being Adjutant General.

SEC. 94. In the distribution of arms, as provided in this act, companies formed in those portions of the State in danger of invasion shall be preferred to companies formed in other portions of the State: *Provided*, That nothing contained in this act shall be so construed as to prohibit the Governor from making distribution of arms to incorporated towns

Distribution of arms.

and cities, according to the provisions of an act passed at the present session of the General Assembly.

Term of office.

SEC. 95. No commissioned officers, either appointed or elected, shall hold their offices for a longer period than four years.

Duty of Secretary of State.

SEC. 96. It is hereby made the duty of the Secretary of State to have published with this act "The Rules and Articles of War, and so much of the General Regulations for the government of the Army of the United States," as may be directed by the Governor, and have ten thousand copies of the same published in pamphlet form, and distributed *pro rata* to the several counties, at the time and in the manner of distributing the laws, or sooner, if possible.

Duty of Commander-in-Chief, and Colonel of Regiment.

SEC. 97. The Commander-in-Chief shall, annually, on the first day of January, report to the Treasurer of State the amount of military fund drawn on his warrant, the amount expended, and the items of expenditure. The Colonel of each regiment shall make a like report to the county treasurer of the amount drawn on his warrant, and the Captain of each company shall make a like report of the amount of the fund distributed to his company to the county treasurer, who shall immediately make a full report thereof to the Treasurer of State.

Repealing, with proviso.

SEC. 98. All laws and parts of laws heretofore enacted for the organization or regulation of the Militia, are hereby repealed: *Provided*, That nothing in this act shall be so construed as to repeal or modify any provision of an act passed at the present session of the General Assembly, entitled "an act to provide for the employment of six regiments of volunteers for the protection of the property and citizens of the State, and making provision for the organization and equipment of the same, and fixing the compensation of the officers and men comprising said force, and procuring arms therefor," and approved May 7th, 1861.

Emergency declared.

SEC. 99. An emergency is hereby declared to exist for the immediate taking effect of this act, and the same shall be in force from and after its passage.



## CHAPTER XXXVII.

AN ACT providing for the appointment of Paymaster, defining his duties, fixing his compensation, and prescribing punishment for violations of the provisions of the same.

[APPROVED JUNE 1, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That there shall be appointed by the Governor of the State of Indiana, a Paymaster to the six Regiments of State volunteers known as the State troops, and also to the Militia of the State of Indiana, when in active service. Authorizing appointment of.

SEC. 2. *Be it further enacted*, That said Paymaster, before entering upon the duties of his office, shall take an oath to support the Constitution of the United States, and of the State of Indiana, and that he will faithfully discharge the duties which may devolve upon him as such Paymaster, and shall also give bond in the sum of fifty thousand dollars, with security to be approved by the Governor, conditioned for the faithful discharge of his official duties and the accounting for all moneys which may come to his hands as such Paymaster. To give bond.

SEC. 3. It shall be the duty of said Paymaster to pay the said State troops or Militia when in active service (officers and men,) monthly, the amount which may be due them under the provisions of the act authorizing the formation of six Regiments of State troops, and also under the provisions of the General Militia Law. Duties of, defined.

SEC. 4. It shall be the duty of the Adjutant General to furnish the said Paymaster with copies of the company rolls of each company in the said six Regiments, and also with the company rolls of the Militia when called into active service, and the Paymaster shall take upon said company rolls the receipts of each officer, non-commissioned officer, musician and private, for the amount of money paid him for services either in said six Regiments or in the State Militia, when called into active service, and he shall file the same in the office of the Treasurer of State as a voucher for his disbursements. Duty of Adjutant-General to furnish Paymaster with copies of muster rolls, and his duty after receiving.

SEC. 5. The Auditor of State shall, upon the requisition of the Paymaster, accompanied by a statement in writing of the amount of money required, and the purposes for which the same is required, whether for the said six Regiments or for the State Militia in active service, or both together, draw his warrant upon the Treasurer for the sum required, payable out of the fund appropriated for the expenses aforesaid, and Duty of Auditor of State.

the Treasurer shall pay the same out of the fund designated in said warrant and properly applicable to the payment thereof.

Duty of Paymaster, as soon as six regiments, or any part, enter United States service.

SEC. 6. As soon as the said six Regiments, or any part thereof, shall enter into the service of the United States, it shall be the duty of the Paymaster to pay to them all arrearages of pay owing from the State, and thereupon his duties as to such Regiments shall cease.

If Paymaster embezzle, how dealt with.

SEC. 7. If the Paymaster shall embezzle, misapply, fail to account for, or in anywise use for his own private gain, any funds which may come into his hands as such Paymaster, he shall be deemed guilty of a felony, and on conviction thereof, be fined in a sum double the amount so embezzled, missapplied or unaccounted for, and imprisoned at hard labor in the State Prison not less than two nor more than ten years.

Salary of Paymaster, and term of office.

SEC. 8. The Paymaster shall receive as a compensation for his services the sum of seven hundred and fifty dollars per annum, and shall hold his office for the term of two years, unless sooner discharged by the Governor.

Emergency declared.

SEC. 9. Whereas, an emergency exists for the immediate taking effect of this act, it shall therefore take effect and be in force from and after its passage.

---

## CHAPTER XXXVIII.

AN ACT to extend the time for the completion of certain Rail Roads.

[APPROVED MAY 31, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any Railroad Company heretofore organized under and pursuant to an act entitled "an act to provide for the incorporation of Railroad Companies," approved May 11, 1852, which within three years after its incorporation shall have begun the construction in good faith upon the road bed of its road, and shall have actually expended thereon four hundred thousand dollars in the construction thereof, and exclusive of expenses for pay of officers, right of way and engineering, and other incidental expenses, shall have ten years from and after the 30th day of December, 1861, to

complete the same, and if said road shall not then be completed, the corporate powers of such company shall cease, and its act of incorporation shall become void: *Always provided*, That this act shall not extend to any corporation whose charter shall have been declared forfeited, or against which a final judgment of ouster shall have been entered.

## CHAPTER XXXIX.

AN ACT to provide for the incorporation of Street Railroad Companies.

[APPROVED JUNE 4, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any number of persons, not less than five, being subscribers to the stock of any contemplated street or horse railroad company may be formed into a corporation for the purpose of constructing, owning and maintaining street or horse railroads, switches or side-tracks upon and through the streets of the cities or towns within the State, by complying with the following requirements: whenever stock to the amount of at least ten thousand dollars shall have been subscribed the subscribers to such stock shall elect directors for such company from their own number, and shall severally subscribe articles of association in which shall be set forth the name of the corporation, the amount of capital stock of the company, the number of shares of which said stock shall consist, the number of directors, and the names to manage the affairs of the company, the city or town in which it is proposed to construct such road.

Five persons may form company.

Shall elect directors, and subscribe articles.

SEC. 2. The articles of association formed in pursuance of the provisions of the preceding section, and thereupon the persons who have subscribed the same, and all persons who shall become stockholders in said company, and their successors, shall be a body politic and corporate in perpetuity, by the name stated in the articles of association, and shall be capable of suing and being sued, and may have a common seal the same to alter at pleasure.

When formed, to be a body politic and corporate.

SEC. 3. The said company shall be capable of purchasing, holding, and conveying any real or personal property what-

Capable of holding and conveying property.

ever necessary for the construction and equipment of the road switches and side-tracks, and for the erection of all necessary buildings and yards, and may buy, own and sell any kind of property that may be necessary to properly conduct or carry on the business of such road.

Evidence of incorporation.

SEC. 4. A copy of any articles of association filed in pursuance of this act, and certified to be a correct copy by the Secretary of State, or his deputy, shall, in all Courts or places be evidence of the incorporation of such company and of the facts therein stated.

Where tracks may be constructed, and restrictions.

SEC. 5. Such company may construct their track, switches, side-tracks or turn-outs upon the streets of said cities or towns under the following conditions and restrictions: The said track shall be constructed upon the center or side of said streets, and shall conform exactly to the established grade of such street, the free passage of the streets of such city or town, occupied or used by said company, shall be impeded or obstructed by such company only to the extent necessary for the purposes for which said company was organized, the points where such track shall intersect and cross the streets of such city or town shall be so arranged by said company as to render the crossing as passable and in as good condition as any other portion of the street; the track shall be from four to five feet in width.

Authorized to borrow money and issue bonds.

SEC. 6. Such company may, from time to time, borrow such sums of money as may be necessary for completing or operating their railroad, and may issue and dispose of their bonds for any amount so borrowed for such sums and for such rate of interest as is allowed by the laws of the State where the contract is made, and mortgage their corporate property and franchises to secure any debt contracted by such company.

Election of officers.

SEC. 7. The said subscribers to the stock of such contemplated road shall, as soon as the number named in the first section shall have signed the same, proceed to the election of directors, who shall serve for the term of one year, and the said directors shall elect the following officers, to-wit: President, Vice-President, Secretary, and Treasurer, whose term of office shall be for one year, and until their successors are elected and qualified.

When directors to be elected.

SEC. 8. There shall be an annual meeting of the stockholders held at the office of such company for the election of directors to serve for the ensuing year; not less than three nor more than seven directors shall be chosen at such meeting of such stockholders, by ballot, and by a majority of the stockholders present in person and by proxy, and every such stockholder being so present shall be entitled to give one vote for every share of stock owned by him. No person shall be

One vote for each share of stock held.

a director unless he shall be a stockholder, owning stock absolutely in his own right, and qualified to vote for directors at the election at which he shall be chosen.

SEC. 9. The directors of such company shall have power By-laws. to make by-laws for the management and disposition of stock, property and business affairs of such company not inconsistent with the laws of this State, and prescribing the duties of officers, artificers and servants that may be employed, and for the appointment of all officers for the carrying on all business within the objects and purposes of such company, and for regulating the running time, fare, &c., of said road or roads.

SEC. 10. The stock of such company shall be transferable Stock transferable. in the manner prescribed by the by-laws of the company, and shall be considered personal property.

SEC. 11. This act may be amended or repealed at the discretion of the Legislature. Amend or repeal.

SEC. 12. Nothing in this act contained shall be so construed as to take away from the Common Councils of incorporated cities the exclusive powers now exercised over the streets, highways, alleys and bridges within the corporate limits of such cities; and all street railroad companies which may be organized under the provisions of this act shall first obtain the consent of such Common Council to the location, survey and construction of any street railroad through or across the public streets of any city before the construction of the same shall be commenced. No powers taken away from cities by this act.

SEC. 13. The stockholders in such company or corporation shall be individually responsible to an amount over and above their stock equal to their respective shares of stock for all debts or liabilities of said company or corporation. Stockholders individually liable.

## CHAPTER XL.

AN ACT to amend "An act providing for serving process upon the officers, directors, attorneys or agents of any Railroad Company," approved March 4th, 1853.

[APPROVED MAY 30, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section first of "An act providing for serving process upon the officers, directors, attorneys or agents of any Railroad Company," approved March 4th, 1853, which reads as follows:

Sec. 1 recited.

"Section 1. *Be it enacted by the General Assembly of the State of Indiana*, That all writs, warrants, or other process issued, or to be issued, from any Court of competent jurisdiction in this State, against the president of any Railroad Company whose principal office is not within this State, may be served upon any officer, director, attorney or general agent of said company, and such service shall be as binding and of the same effect as if the same had been served upon the president of the company: *Provided, however*, That process shall not be served upon any officer, director, attorney, or general agent, who may be plaintiff in the suit, or who may have any interest therein, against such company: *Provided, further*, That at least thirty days' notice shall be given of the time and place of the pendency of said suit," be, and the same is hereby, amended to read as follows, to-wit:

Service, on whom good.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That all writs, warrants, or other process issued, or to be issued, from any Court of competent jurisdiction in this State, against the president of any Railroad Company whose principal office is not within this State, may be served on any officer, director, conductor, attorney, or general agent of said company, and said service shall be as binding and of the same effect as if the same had been served upon the president of the company: *Provided, however*, That process shall not be served upon any officer, director, conductor, attorney, or general agent who may be plaintiff in the suit, or who may have any interest therein against such company: *Provided, further*, That at least fifteen days' notice shall be given of the time and place of the pendency of said suit.

Proviso.

Further proviso.

Emergency declared.

SEC. 2. It is hereby declared that an emergency exists for the immediate taking effect of this act, and that it shall take effect and be in force from and after its passage and publication in the Indiana State Sentinel and Indiana Journal.

NOTE.—Published in Daily Journal and Sentinel June 5, 1861.

## CHAPTER XLI.

AN ACT providing for the redemption of real property, or any interest therein, sold on execution or order of sale, and providing for the issuing of certificates of purchase in such cases, and for the execution of conveyances, and repealing all laws in conflict therewith.

[APPROVED JUNE 4, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That whenever, hereafter, any real property or any interest therein shall be sold on any execution or order of sale issued upon any judgment, decree or other judicial proceeding within this State, the owner thereof, his heirs, executors, administrators, or any mortgagee or judgment creditor having a lien upon the same may redeem such real property or interest therein, at any time within one year from the date of such sale by paying to the purchaser, his heirs or assigns, or the clerk of the court from which such execution or order of sale was issued for the use of said purchaser, his heirs or assigns, the purchase money, with interest thereon at the rate of ten per cent. per annum.

Hereafter, when sold on order or execution, may be redeemed by owner or person having lien, within year from sale.

SEC. 2. Upon payment of the purchase money, the sheriff or other officer making such sale shall issue to the purchaser a certificate, showing the court in which the judgment or decree was rendered, the parties to the action, the date of the sale, the name of the purchaser, the amount of the purchase money, and a description of the premises sold, which certificate shall entitle the holder thereof to a deed of conveyance, to be executed by the officer making the sale at the expiration of one year from the date of such sale, if the property shall not have been previously redeemed. The judgment debtor shall be entitled to the possession of the premises for one year after the sale, and in case they are not redeemed at the end of the year as provided in this act, he shall be liable to the purchaser for their reasonable rents and profits.

Upon payment of purchase money, sheriff to give certificate of purchase, which shall entitle purchaser to deed at end of year, if not redeemed.

SEC. 3. When any mortgagee or judgment creditor shall redeem any real property or interest therein under the provisions of this act, such mortgagee or judgment creditor shall retain a lien on the premises for the amount of money so paid for redemption against the owner and any junior incumbrancer.

If mortgagee or judgment creditor redeem, shall retain lien.

SEC. 4. All laws and parts of laws coming in conflict with any of the provisions of this act, be and the same are hereby

Repeal and emergency.

repealed; and, whereas, an emergency exists for the immediate taking effect of this act, therefore the same shall take effect and be in force from and after its passage.

---

## CHAPTER XLII.

AN ACT for the relief of Joseph Moore.

[APPROVED JUNE 4, 1861.]

Preamble.

WHEREAS, Lot No. 16, being part of the school section belonging to Congressional Township No. 21, north of range No. 10 east, in the county of Delaware, State of Indiana, being the south-east quarter of the south-east quarter of said section sixteen, in said township, was, by the school commissioners of said county, on the nineteenth day of January, 1837, duly sold to William Parker, and certificate of purchase issued to him, who afterwards duly assigned said certificate to Alexander Hewitt, who afterwards duly assigned the same to John Parker, who afterwards assigned the same to Joseph Moore, without being acknowledged according to law: and whereas, said John Parker is deceased, and said Joseph Moore is the equitable owner of said tract of land, and the purchase money has been fully paid to the school fund, and the title cannot be procured from the auditor of said county under the existing law: therefore,

Auditor Delaware county  
authorized to  
execute deed.

SECTION. 1. *Be it enacted by the General Assembly of the State of Indiana*, That the auditor of the county of Delaware be, and is hereby authorized and empowered to make, acknowledge and deliver in due form of law, to Joseph Moore, a deed for the lands described in the preamble of this act.

Emergency de-  
clared.

SEC. 2. Whereas an emergency exists for the immediate taking effect of this act, the same shall take effect and be in force from and after its passage.



## CHAPTER XLIII.

**AN ACT** to authorize the removal of convicts from the Southern State Prison to the Northern State Prison and providing for the employment of convicts in each of said prisons, directing what counties shall send their convicts to the Northern State Prison, and providing for carrying on the work in building said Northern State Prison, and making appropriations for the support of said prison.

[APPROVED JUNE 1, 1861.]

**SECTION 1.** *Be it enacted by the General Assembly of the State of Indiana,* That for the purpose of completing the Northern State Prison, the Governor of the State is hereby required to direct the removal of two hundred convict laborers from the State Prison at Jeffersonville to the Northern State Prison, and the Board of Control and Warden of the said Northern Prison, shall receive and properly take care of said laborers, and employ them in the best manner to insure the speedy completion of the work on said prison. The said two hundred convicts shall be selected by the Warden of the State Prison at Jeffersonville from the able-bodied men in said prison who are not employed under contract; and in making such selection he shall, as far as practicable, take convicts who are best qualified to perform the kind of work required on said Northern Prison.

Governor authorized to direct removal of two hundred convicts from prison at Jeffersonville, to Northern State Prison, in order to complete same.

Convicts to be able-bodied men, selected by Warden at Jeffersonville.

**SEC. 2.** That hereafter when any male person or persons shall be convicted and sentenced to imprisonment in the State Prison by any Court of competent jurisdiction in the counties of Warren, Fountain, Montgomery, Boone, Hamilton, Madison, Delaware, and Randolph, and in any county lying north of said counties within this State, it shall be the duty of the sheriff or other officer, having charge of such person or persons so convicted, to convey the said person or persons to the Northern State Prison, and the Warden of said Prison shall receive all prisoners so delivered to his care, and keep them until the expiration of their sentence, unless sooner discharged according to law.

Persons convicted north of certain counties, to be sent to northern, and south of that, to prison south.

**SEC. 3.** At any time when there shall be danger that the convicts in the Southern Prison cannot be safely kept, on account of war, insurrection, or any other cause, the Governor shall have full power to remove a part or all of said convicts to the Northern State Prison, and the officers of said Prison shall receive and take charge of said convicts and keep them

If danger of safety of prisoners in southern,

Governor may remove to northern prison.

until otherwise ordered by the Governor or until discharge according to law.

Powers to directors to employ convicts in southern, in manufacture of arms, &c.

SEC. 4. The directors may, in their discretion, under the advice and direction of the Governor, direct the employment of any number of the convicts in the Southern State Prison in the manufacturing of arms, implements, goods and munitions of war needed in the defence of the State, or for the use of the State troops, or they may, subject to the approval of the Governor, contract with persons desirous of using the labor of said convicts, according to the laws now in force on that subject, and take in payment of said labor any articles needful for the defence of the State or for the use of the State troops.

Directors of southern prison, if impossible to hire convicts for cash, may receive manufactured articles, and sell and pay proceeds into State Treasury.

SEC. 5. The Directors of the Southern Prison are authorized, if they find it impossible to hire the labor of the convicts upon cash contracts, at reasonable prices, to let and hire the labor of said convicts, and to receive in payment therefor such manufactured articles as will meet with the most ready sale, and they shall dispose of such manufactured articles for the best price that can be obtained, and the proceeds shall be paid by them into the State Treasury for the use of said Prison.

Superintendent of northern may employ competent mechanics, and compensation named.

SEC. 6. The Superintendent of the Northern Prison is authorized to employ such competent and skillful mechanics as may be needed to direct the work and labor of the convicts, but he shall in no case employ said mechanics at a greater price than two dollars per day for the time actually employed.

Appropriation for northern, for 1861.

SEC. 7. The sum of thirty thousand dollars for the year 1861 is hereby appropriated for the maintenance and support of the convicts in the Northern State Prison and for the purchase of materials and the payment of the necessary expenses for carrying on the work in said Prison, and to the payment of the expenses of said Prison for the month of January, 1861, to be paid out of any money in the Treasury of the State not otherwise appropriated.

Appropriation for southern, for 1861.

SEC. 8. The sum of eight thousand five hundred dollars for the year 1861 is hereby appropriated to defray the expenses of the Southern State Prison to be paid out of any money in the State Treasury not otherwise appropriated.

Emergency declared.

SEC. 9. It is hereby declared that an emergency exists for the immediate taking effect of this act. It is therefore hereby declared that this act shall be in force from and after its passage.

## CHAPTER XLIV.

AN ACT to authorize the draining of swamp or wet lands and providing for the assessment and payment of the damages occasioned thereby.

[APPROVED JUNE 4, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That any person or persons owning any swamp or wet lands in this State may drain the same by deepening and widening and maintaining to any necessary depth and width the natural out-lets and drains from such swamp or wet lands into or across adjoining lands belonging to any other person or persons by paying such person or persons the damage done to any such lands by such rains.

Natural outlets may be deepened and maintained.

SEC. 2. It shall be lawful for any person or persons desirous of draining or ditching as aforesaid to enter at all times upon such adjoining lands for the purpose of deepening or widening such natural drains or out-lets, doing as little damage as possible to such adjoining lands.

Persons desirous of draining, on what condition may enter adjoining lands.

SEC. 3. When the deepening, widening and maintaining such drains or out-lets are of equal or greater benefit than the injury done to such adjoining lands, no damages need be paid or tendered but in cases where the same would be of greater damage than benefit to such lands of such other person; when the parties cannot agree such damages shall be assessed by three disinterested freeholders, and not of kin to either party, to be mutually chosen by the parties, and in case the parties cannot agree, then the nearest justice of the peace, not being interested, nor of kin to either party, shall appoint such appraisers.

What proceedings necessary in cases where draining would be of benefit or damage.

SEC. 4. Any owner or owners of the same land who have drained wet or swamp lands thereon by deepening and widening the natural out-lets and channels therefrom, running into or across unsettled lands, which lands have been drained, improved, or not injured thereby, shall have the right to maintain, necessarily deepen and widen such natural out-lets or drains thereafter, only being answerable for unnecessary damage hereafter done in and about such deepening, widening and maintaining.

When owner to have right to open and maintain drain through unimproved land.

SEC. 5. It shall be right for any owner or owners of wet or swamp lands to drain the same at any time, through their natural out-lets, by deepening, widening and maintaining such out-lets, for any distance, on the lands of others, only being

Owner may drain through land of another, being answerable for excess of damage only.

answerable, for any excess of damages above benefit he or they may so do to the lands of others.

Remedy of persons thinking themselves damaged.

SEC. 6. Should the owner of such other lands imagine that he is damaged more than benefitted by such deepening, widening and maintaining, when he is not, he shall still have the right to have an assessment of damages; but if he fails to get an excess of damages, he shall pay the costs of such unnecessary assessment, provided that it was his desire that such assessment be made.

Person draining may tender excess of damages, if person refuse, he may have assessment of damages.

SEC. 7. Any person so draining wet or swamp land may tender to any person a sum as excess of damages he may suppose he is doing to the lands of such other person by such draining, if such other person accepts, it shall be in full of damages; if he refuse to accept and desire that the excess of damages be assessed, then it shall be assessed as herein provided; but if such other person fail to recover an excess of damages above benefits as an award, he shall pay all the costs of such assessment.

## CHAPTER XLV.

AN ACT defining Treason, and the concealment of Treason, and prescribing the punishment therefor.

[APPROVED MAY 11, 1861.]

Treason defined.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That treason against the State of Indiana shall consist only in levying war against it, and in giving aid and comfort to its enemies.

Testimony to convict.

SEC. 2. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act.

Where, person committing, may be tried.

SEC. 3. When the overt act of treason shall have been commenced in this State, and consummated within the limits of any other State or Territory, the person charged therewith may be tried and convicted in any county in this State in which the treasonable acts charged shall have been commenced or committed.

Penalty, if convicted.

SEC. 4. Every person convicted of treason shall suffer death, or be imprisoned in the State Prison during life, in the discretion of the jury.

SEC. 5. Any person having knowledge of the commission of treason against this State, who shall wilfully omit or refuse to give information thereof to the Governor, or some judge of the Supreme, Circuit or Common Pleas Court of this State as soon as may be, shall be deemed guilty of felony, and shall be imprisoned in the State Prison for any period not exceeding twenty-one years, and fined in any sum not exceeding ten thousand dollars, and shall be disfranchised and rendered incapable of holding any office for any period not less than ten years.

Person having knowledge of commission of, refusing to give information, how punished.

SEC. 6. It is declared that an emergency exists for the immediate taking effect of this act, and the same shall take effect from and after its passage, and it shall be the duty of the Secretary of State to have the same forthwith published in the Indianapolis Journal and State Sentinel.

Emergency declared.

NOTE—Published in Daily Journal and Sentinel May 17, 1861.

## CHAPTER XLVI.

AN ACT providing for the manner of procuring, and the quality of subsistence stores and articles in the Quartermaster and Commissary Departments, prescribing the duties of certain officers therein mentioned, and the punishment for the violation of the provisions of this act.

[APPROVED JUNE 3, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That subsistence stores for the volunteer and military force of this State, unless in particular cases of emergency, when time will not permit, the Governor shall otherwise direct, shall be procured by contract to be made by the Commissary General and Quartermaster General, in their respective departments, in the following manner:

Manner of procuring subsistence stores.

They shall give notice in two newspapers of most general circulation in the city of Indianapolis and daily newspapers in the city of New Albany, and if supplies are required at any point other than Indianapolis, then in one or more newspapers published in the immediate vicinity of the place where such supplies are required, that on a day to be named in such no-

tice, sealed proposals will be received for such supplies, and on the day named they shall open such proposals and proceed to award contracts thereon to the lowest responsible bidder. If, in their opinion the bids are too high, they may refuse to award contracts, or they may award contracts for less quantity than was specified in said notice, if the wants of the troops immediately require it. They may award contracts to different parties, for the different articles named in said notice, or for a part of the articles in said notice mentioned, and withhold the residue, if the interest of the State require it. Duplicate contracts shall be signed by the Commissary General, if in his department, or the Quartermaster General, if in his department, and by the contractor, each contractor shall give bond to the State of Indiana, with good and sufficient security, to be approved by the officer making the contract for the faithful compliance with its terms.

Duty and powers  
of Inspector-  
General.

SEC. 2. That the Inspector General shall inspect all stores delivered upon any contract, and if such stores are unsound or inferior in quality, he shall reject them, and if the contractor fails to furnish and deliver according to the terms of the contract, he shall immediately notify the officer making said contract on the part of the State of that fact, who shall proceed to procure the supplies named in such contract or such part thereof as are required for immediate use, by private contract or otherwise, and commence suit upon the bond of such contractor to recover any damage the State may sustain in consequence of such failure.

When a contract  
complied with,  
Inspector to give  
certificate, and  
how contractor  
paid.

SEC. 3. Whenever said Inspector General shall decide that any contract has been complied with he shall give a certificate to that effect, whereupon the officer making such contract shall certify the amount due on such contract, which certificate together with a copy of the contract shall be filed in the office of Auditor of State, and said certificate shall operate as a receipt against the officer making it for the amount of stores therein named, and the amount certified to be due on such contract shall be paid according to law.

Commissary and  
Quartermaster  
to supply reg-  
imental Com-  
missary and  
Quartermaster.

SEC. 4. The Commissary General and Quartermaster General shall from time to time, as the wants of the service may require, deliver to the regimental commissary and regimental quartermaster such supplies as may be needed, taking receipts therefor, which receipts shall operate as vouchers in their hands for the disposal of such supplies.

What officers  
precluded from  
being concerned  
in contract to  
furnish stores.

SEC. 5. That neither the Quartermaster General, the Commissary General, Inspector General or Regimental Quartermaster or Commissary, nor any or either of their deputies, assistant deputies or other assistants, shall be concerned either directly or indirectly in the purchase or sale, for commercial purposes or gain of any article intended for, or making a part

of, or appertaining to their respective departments, except for and on account of the State of Indiana, or of the United States; nor shall they or either of them take or apply to his or their own use any gain or emolument for negotiating or transacting any business in their respective departments, other than what is or may be expressly allowed by law.

SEC. 6. All contracts made in violation of the provisions of this act shall be null and void. Contracts void.

SEC. 7. Any officer, deputy officer or assistant of any officer mentioned in this act, who shall violate any of its provisions, shall be deemed guilty of a misdemeanor and fined in any sum not less than fifty nor more than ten thousand dollars, and upon conviction shall be deprived of his office and rendered incapable of holding any office of trust or profit for the term of five years. Officers violating provisions of this act, deemed guilty of misdemeanor.

SEC. 8. Whereas, an emergency exists for the immediate taking effect of this act, it shall therefore be in force from and after its passage. Emergency declared.

## CHAPTER XLVII.

AN ACT requiring Quartermasters and Commissaries to execute an official bond, and directing where the same shall be filed.

[APPROVED MAY 31, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That it shall be the duty of every Quartermaster and Commissary appointed under any law of this State, before entering upon the duties of such office, respectively to execute an official bond payable to the State of Indiana in the penal sum of five thousand dollars, with security, to be approved by the Governor, which shall when so approved, be filed by the Governor in the office of the Secretary of State. To execute bond, and where to be filed.

SEC. 2. It is hereby made the duty of every Quartermaster and Commissary now acting as such under any law of this State, to execute an official bond agreeably to the provisions of the first section of this act, within ten days from the taking effect of the same. Quartermaster or Commissary now acting, to execute bond.

Failing to comply, office vacated.

SEC. 3. If any Quartermaster or Commissary shall fail to comply with the provisions of this act, his office shall be considered vacant.

Emergency declared.

SEC. 4. It is hereby declared that an emergency exists for the immediate taking effect of this act; the same shall therefore take effect and be in force from and after its passage.

## CHAPTER XLVIII.

AN ACT to authorize the Trustees of the State University to appropriate a certain amount of the University Funds for the enlargement of its Cabinet and Library, and directing the State Librarian to transfer certain documents and books herein named to the Library of the State University; also making the State Geologist a member of the Faculty of the University and requiring him to deposit specimens in mineralogy and geology in the Cabinet of the same.

[APPROVED MAY 11, 1861.]

Amount appropriated out of proceeds of sale of lands, to enlarge cabinet, and person to take charge.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Trustees of the Indiana University shall be authorized to appropriate one thousand dollars out of the proceeds of the sales of the University lands for the purpose of enlarging the Cabinet of the University, and that Professor T. A. Wylie, or such other person as the Trustees may designate, be appointed to take charge of the above appropriation and expend the same in the purchase of specimens.

State Librarian to transfer certain legislative documents to Library of University.

SEC. 2. That the State Librarian be directed to transfer from the State Library to the Library of the Indiana University a complete set of journals of both houses of the Legislature a copy of all laws enacted since the organization of the State, and of all reports from the several departments of State and of those received from other States and from the General Government, together with all other books and documents of which there are duplicates now in the State Library or shall be hereafter received: *Provided*, That such books and documents can be spared without injury to the State Library, and that such transfer be made without expense to the State.



SEC. 3. The State Geologist, while he holds his office, shall be regarded as a member of the Faculty of the University; and he is hereby directed in his reconnoissance to collect duplicate specimens of mineralogy and geology, and to deposit one set of the same in the cabinet of the State University.

State Geologist regarded member of Faculty.

---

## CHAPTER XLIX.

AN ACT to regulate the contingent fee on perpetual scholarships in the State University, and providing for the purchase of the same.

[APPROVED MAY 31, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the contingent fee on perpetual scholarships issued by the trustees of the State University, shall not be more than one dollar per session: *Provided,* That the trustees are hereby authorized to purchase said scholarships whenever in their opinion it is for the best interests of the University, at not more than ninety cents to the dollar, by giving notice in some newspaper published in the town of Bloomington, that they are ready to purchase said scholarships; and after the date of such notice no person shall be entitled to any benefits under the provisions of said scholarships except to sell the same, as is provided in this act.

SEC. 2. That in consequence of the want of such a law, and that the first session of the University year 1861 will commence in August or September next, an emergency exists; therefore this act shall be in force from and after its passage.

## CHAPTER L.

AN ACT to amend sections 123 and 136 of an act, entitled "An act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State," approved June 21st, 1852, and to repeal sections 138, 139 and 140 of said act.

[APPROVED JUNE 3, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section 123 of said act, which reads as follows, to-wit:

Sec. 123 recited. "The county auditor and treasurer shall attend at the office of said auditor on the third Monday in March annually, and the treasurer shall then and there make settlement with the auditor for the amount of taxes for which said treasurer is to stand charged as follows:

First.—The auditor shall take from the duplicate in the hands of the treasurer for collection a list of all such taxes as said treasurer shall have been unable to collect therein, describing the property on which such delinquent taxes are charged, as the same property is described on such duplicate, and shall note therein on the marginal column the reason assigned by such treasurer why such taxes could not be collected.

Second.—Such list shall be signed by the treasurer, and he shall also testify to the correctness thereof under oath or affirmation, to be administered by the auditor.

Third.—The auditor shall forthwith record such list of delinquents in his office, and deliver the same to the treasurer, who shall deliver the same to the Auditor of State at the time he makes settlement with him, as hereinafter required.

Fourth.—In making such delinquent list the delinquencies of each township shall be kept separate and distinct.

Fifth.—After deducting the amount of taxes so returned delinquent, and the collection fees allowed the treasurer from the several taxes charged on the duplicate in just and rateable proportion, the treasurer shall be held liable for the balance.

Sixth.—The auditor shall certify in such manner as the Auditor of State shall direct, the balance due to the State, the balance due to the county, the balance due for road purposes, and the balance due to the townships or school districts therein, which certificate he shall deliver to the treasurer, who shall deliver the same to the Auditor of State at the time he makes settlement with him, as hereinafter provided," be, and the same is hereby, amended to read as follows, to-wit:

SEC. 123. The county auditor and treasurer shall attend at the office of said auditor on the third Monday in March annually, and the Treasurer then and there make settlement with the auditor for the amount of taxes for which said treasurer is to stand charged as follows: The auditor shall take from the duplicate in the hands of the treasurer for collection a list of all such taxes as said treasurer shall have been unable to collect therein, describing the property on which such delinquent taxes are charged as the same property is described on such duplicate, and shall note therein in a marginal column the reason assigned by such treasurer why such taxes could not be collected. 2d. Such list shall be signed by the treasurer, and he shall also testify to the correctness thereof, under oath or affirmation, to be administered by the auditor. 3d. The auditor shall forthwith record such list of delinquencies in his office and deliver the same to the treasurer, who shall immediately proceed to collect the same as directed in section 112 of this act, first having receipted to the auditor on the proper delinquent record for such delinquent list. In making such delinquent list the delinquencies of each township shall be kept separate and distinct. After deducting the amount of taxes so returned delinquent, and the collection fees allowed the treasurer from the several taxes charged on the duplicate in a just and rateable proportion, the treasurer shall be held liable for the balance. The auditor shall certify in such manner as the Auditor of State shall direct, the balance due to the State, the balance due to the county, the balance due for road purposes, the balance due to townships or school districts therein, which certificate he shall deliver to the treasurer, who shall deliver the same to the Auditor of State at the time he makes settlement with him as hereinafter provided.

Amended at item 3, to deliver delinquent list to county treasurer for collection, delinquencies of each township kept separate, &c.

SEC. 2. That section 136 of said act, which reads as follows, viz:

"Section 136. Delinquent taxes may at any time before the land is sold therefor, with the penalty, interest and costs therein, be paid as follows: First, into the county treasury at any time. Second, into the State Treasury at any time after the return of the delinquent list to the Auditor of State until the third Monday of September annually," be amended to read as follows:

Sec. 136 recited.

Delinquent taxes, with the penalty, interest, and cost thereon, may be paid into the county treasury at any time.

Amended to read delinquent taxes, costs, &c., may be paid at any time. Repeal.

That sections 138, 139 and 140 of said act be, and the same are hereby, repealed.

## CHAPTER LI.

AN ACT to amend sections 78, 79, 94, 95, 104, 142 and 143, of an act entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county auditors and treasurers, and of the Treasurer and Auditor of State," approved June 21st, 1852, and to repeal an act entitled "an act to amend the one hundred and forty-third section of an act entitled 'an act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors and appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State,'" approved June 21, 1852, approved March 4, 1859.

[APPROVED MAY 31, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That section seventy-eight of said act, which reads as follows, to-wit:

Sec. 78 recited.

"Sec. 78. The county auditor shall estimate in dollars and cents, rejecting fractions of a cent, and set down in such duplicate in separate columns, the State, county, school and road tax chargeable on the valuation of property contained in such duplicate; also, the amount of taxes on all property returned delinquent for any preceding year, and remaining unpaid, and a penalty of ten per centum on the amount of such tax; also, the State and county poll tax, and shall carry out the aggregate amount into a column of totals," be and the same is amended to read as follows:

Amended to read  
to set down in  
duplicate in one  
column, State,  
county, school,  
sinking fund,  
&c.

SEC. 78. The county auditor shall estimate in dollars and cents, rejecting fractions of a cent, and set down on such duplicate in one column the State, county, school, sinking fund, township, road, and all other taxes chargeable on the valuation of property contained in such duplicate, including, also, the poll tax for State, county, and all other purposes, and he shall set down, in a separate column, the amount of taxes on all property returned delinquent for any preceding year, and remaining unpaid, and a penalty of ten per cent. on the same, with interest from the time of return, and shall carry out the aggregate amount into a column of totals.

SEC. 2. That section seventy-nine of said act, which reads as follows, to-wit:

"Sec. 79. He shall add up and set down on each page of such duplicate, the several columns containing the valuations of real and personal estate taxes charged, and the number of acres, carrying the same forward from page to page to the close of each township, and at the end of the duplicate he shall recapitulate the several townships, and add up and set down the aggregate of the above items for the whole county," be amended to read as follows, to-wit:

Sec. 79 recited.

SEC. 79. He shall add up and set down on each page of such duplicate the several columns containing the valuation of real and personal estate taxes charged, and the number of acres, carrying the same forward from page to page, to the close of each township, and at the end of the duplicate he shall recapitulate the several townships, and apportion the amount of taxes levied on the polls and property in each township, and set down in separate columns the amount of State, county, school, township, road, and all other taxes levied, and add up and set down the aggregate of the above for the whole county.

Amended to make duty of Auditor to recapitulate, and apportion taxes levied on polls and property in each township

SEC. 3. That section ninety-four of said act, which reads as follows, to-wit:

"Sec. 94. Immediately on receiving such duplicate, he shall proceed to collect the same; and for that purpose shall, between the fifteenth day of October and the fifteenth day of November, attend at the place of holding elections in each township for the space of one day, and as much longer as the board of county commissioners shall direct, and after the fifteenth day of November until the third Monday of March, he shall, for the same purpose, attend at his office at the seat of justice," be, and the same is amended to read as follows, to-wit:

Sec. 94 recited.

SEC. 94. Immediately on receiving such duplicate, he shall proceed to collect the same, and for that purpose shall attend at his office at the seat of justice until the third Monday of March next thereafter.

Amended to leave out attendance at place of election, by treasurer, for collecting.

SEC. 4. That section ninety-five of said act, which reads as follows, to-wit:

"Sec. 95. He shall forthwith cause notice to be posted up in three public places in each township throughout his county, one of which shall be the place of holding elections in each township, and also cause the same to be published in some newspaper having general circulation in his county, (if any there be) for six successive weeks, stating in such notices the amount of tax charged for State, county, school, road, or other purposes on each one hundred dollars valuation; also, the amount of State and county poll tax; also, on what day he will attend the place of holding elections in each township for the purpose of receiving taxes," be and the same is hereby amended to read as follows, to-wit:

Sec. 95 recited.

SEC. 95. He shall forthwith cause notice to be posted up at the court house door, and in three other public places in

Amended to leave out part relating to at-

tending at place  
of holding elec-  
tions

the county, and also cause the same to be published in some newspaper having general circulation in his county (if any there be) for three weeks successively, stating in such notice the amount of tax charged for State, county, school, road, or other purposes on each one hundred dollars valuation of the taxable property; also, the tax on each poll for State, county, or other purposes.

SEC. 5. That section one hundred and four, which reads as follows, to-wit:

Sec. 104 recited.

"Sec. 104. The said treasurers shall be allowed for their services in making such collections eight per centum on the amount of all such collections of delinquent taxes, payable in just proportion out of each fund collected, and shall also be allowed constable fees and mileage from the place of holding elections in each township to the residence of such delinquent tax payer, which shall be collected from such tax payer," be and the same is hereby amended to read as follows, to-wit:

Amended to re-  
duce 5 per cent.  
on delinquent  
collections.

SEC. 104. The said treasurers shall be allowed for their services in making such collections five per centum on the amount of all such collections of delinquent taxes, payable in just proportion out of each fund collected, and shall also be allowed constable's fees and mileage from the place of holding elections in each township to the residence of such delinquent tax payer, which shall be collected from such tax payer.

SEC. 6. That section one hundred and forty-two of said act, which reads as follows, to-wit:

Sec. 142 recited.

"Sec. 142. Between the first and fifteenth days of November, annually, the county auditor shall make out and record in a book provided for that purpose, a list of all lands returned and remaining delinquent for taxes, describing such lands as the same are described in the tax duplicate, and charging them with the amount of delinquent tax, with interest, and a penalty of ten per centum on such taxes; also, with the taxes of the current year, and shall certify to the correctness thereof, with the date when the same was recorded, and sign the same officially," be and the same is hereby amended to read as follows, to-wit:

Amended to first  
and fifteenth  
days of Decem-  
ber.

SEC. 142. Between the first and fifteenth days of December, annually, the county auditor shall make out and record, in a book provided for that purpose, a list of all lands returned and remaining delinquent for taxes, describing such lands as the same are described in such duplicate, and charging them with the amount of delinquent tax, with interest, and a penalty of ten per centum on such taxes; also, with the taxes of the current year, and shall certify to the correctness thereof, with the date when the same was recorded, and sign the same officially.

**SEC. 7.** That section one hundred and forty-three of said act, which reads as follows, to-wit:

"Sec. 143. He shall cause a copy of such list to be immediately published for four weeks, successively once in each week in some newspaper having general circulation in his county (if any there be) or he may have the same printed in handbill form, if the same can be done cheaper than to publish the same in a newspaper; otherwise by three copies posted up in public places in each township of his county, to which shall be attached and in like manner published, a notice that so much of said lands as may be necessary to discharge the taxes, interest, and charges which may be due thereon, or due from the owner thereof at the time of sale, will be sold at public auction at the court-house in such county on the first Monday in January next thereafter," be and the same is hereby amended to read as follows, to-wit:

Sec. 143 recited.

**SEC. 143.** He shall cause a copy of such list to be immediately published for four weeks successively, once in each week, in a newspaper having general circulation in his county, (if any be printed therein,) at a cost not to exceed thirty cents for each line of tabular description, valuation and taxes, in such list, and in case the publisher of such newspaper should refuse to publish the same on the terms herein provided, it shall be the duty of the Auditor to have said list printed in handbill form on the best terms that can be had, three copies of which shall be posted up in public places in each township of his county, at least four weeks before the day of sale, to which shall be attached, and in like manner published, a notice that so much of said lands as may be necessary to discharge the taxes, interest and charges thereon, or due from the owner thereof at the time of sale, will be sold at public auction at the Court House in such county, on the first Monday in February next thereafter.

Amended to read not to exceed thirty cents line each tabular description. If publisher refuse, may have printed in hand bill form, and sale changed to 1st Monday of February.

**SEC. 8.** In advertising lands and town lots for sale for taxes, it shall only be necessary to state in the aggregate the the amount of taxes, penalty, interest and costs due thereon, including the taxes for the current year.

What necessary to state in advertising lands and lots.

**SEC. 9.** That an act to amend the one hundred and forty-third section of an act, entitled "An act to provide for the valuation and assessment of the real and personal property, and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors and appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State, approved June 21, 1852," approved March 4, 1859, be and the same is hereby repealed.

Repealing.

**SEC. 10.** In making out tax duplicates hereafter, it shall be the duty of county auditors to consolidate into one description, as far as practicable, the descriptions of all real property

Duty of auditor in making duplicates, to consolidate in one description.

far as may be  
real estate, and  
duty of county  
board.

Emergency de-  
clared.

placed thereon, and it is hereby made the duty of Boards of County Commissioners, before paying for the making out of such tax duplicates, to see that the provisions of this act are complied with.

SEC. 11. Whereas, an emergency exists for the immediate taking effect of this act, therefore this act shall take effect and be in force from and after its passage, and it is hereby made the duty of the Secretary of State to furnish each county auditor in this State with a copy of this act.

## CHAPTER LII.

AN ACT to repeal section seventy-three of an act, entitled "An act to provide for the valuation and assessment of the real and personal property and the collection of taxes in the State of Indiana, for the election of township assessors, and prescribing the duties of assessors, appraisers of real property, county treasurers and auditors, and of the Treasurer and Auditor of State."

[APPROVED JUNE 4, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That section seventy-three of the above recited act be, and the same is hereby, repealed.



## CHAPTER LIII.

AN ACT to provide for the employment of Six Regiments of Volunteers for the protection of the property and citizens of the State, and making provision for the organization and equipment of the same, and fixing the compensation of the officers and men comprising said force and procuring arms therefor.

[APPROVED MAY 7, 1861.]

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana*, That the Governor be authorized and required to call into the active service of the State six regiments of volunteer militia to be composed of the companies which have been organized and reported to the Adjutant General under and pursuant to the proclamation of the Governor and which have not been mustered into the service of the United States to be received and mustered into the service of the State in the order in which they were organized and reported to the Adjutant General; and if the companies so organized and reported are not sufficient to constitute the number hereby required, companies in counties which have no companies in the service of the State or United States shall have the preference in the order in which they may be tendered; said regiments, when so called into service, are to serve for the term of twelve months, unless sooner discharged by the Governor; the said six regiments to be divided into cavalry, artillery and infantry by the Governor, as the service may demand; and that the troops organized under the provisions of this act shall be subject to the order of the Governor of the State to fill any requisition made for troops, on this State, by the President of the United States.

Governor authorized to call into active service six regiments of, of what companies composed, and length of service.

SEC. 2. Each regiment, except the cavalry as herein provided for, shall consist of one colonel, one lieutenant-colonel, one major, one quartermaster, one commissary, one surgeon, and one assistant-surgeon and ten companies, each of which shall be composed of one captain, two lieutenants, four sergeants, four corporals, one drummer, one fifer, and sixty-four privates.

What each regiment to consist of.

SEC. 3. There shall be appointed and commissioned by the Governor, for the six regiments herein contemplated, one Brigadier General.

Brigadier-General to be appointed.

SEC. 4. The forces herein provided shall, while in the service of the State, or of the United States, be organized by, and subject to, the "Articles of War and the Rules and Reg-

What regulations organized under and subject to.

ulations of the United States Army;" and while in the service of the State privates and non-commissioned officers shall receive the same compensation allowed by the United States, and the commissioned officers shall receive three-quarters the pay of the same grade of officers in the army of the United States.

Governor may  
have power to  
retire such reg-  
iments.

SEC. 5. The Governor shall have power, if in his judgment it may be deemed advisable, to temporarily retire the said six regiments from active service, or any part thereof, after the said troops shall have been sufficiently drilled and disciplined, but shall at any time thereafter recall said regiments when the public safety may require the same, by giving notice thereof; but said regiments shall receive but half pay whilst so retired from service.

Emergency de-  
clared.

SEC. 6. Whereas, an emergency exists, this act shall be in force from and after its passage.

JOINT RESOLUTIONS  
OF THE  
SPECIAL SESSION  
OF THE  
GENERAL ASSEMBLY OF THE STATE OF INDIANA,  
1861.

---

CHAPTER I.

A JOINT RESOLUTION to send arms to the counties of Dearborn, Ohio, Switzerland, Jefferson, Clarke, Floyd, Harrison, Crawford, Perry, Spencer, Warrick, Vanderburgh, and Posey.

*Resolved by the House of Representatives, the Senate concurring,* That the Governor be requested to send five thousand stand of arms, temporarily, to the counties of Dearborn, Ohio, Switzerland, Jefferson, Clarke, Floyd, Harrison, Crawford, Perry, Spencer, Warrick, Vanderburgh and Posey; said arms to be sent and distributed in accordance with an act entitled, "An act to organize the Militia, providing for the appointment, and prescribing the duties of certain officers thereof," approved June 14th, 1852.

## CHAPTER II.

A JOINT RESOLUTION authorizing the Governor to employ medical aid for the soldiers in Camp Morton No. 2.

WHEREAS, There are a number of soldiers in the service of the State at Camp Morton No. 2; And whereas, said soldiers have no medical aid provided for them by the State; Therefore,

*Be it resolved by the Senate of the State of Indiana, the House of Representatives concurring therein, That His Excellency, the Governor, be, and he is hereby authorized to contract on the part of the State with some responsible physician, on such terms as he may deem proper, to visit said Camp and render such medical aid as may be necessary for the health and comfort of the soldiers quartered therein.*

---

## CHAPTER III.

WHEREAS, By joint resolution of the General Assembly, a recess of about ten days was agreed to, and both Houses took such a recess to a day certain; And whereas, by a resolution which passed both the House and Senate, the presiding officers thereof, together with the secretaries thereof, should certify to the Auditor of State the *per diem* and mileage of members of the General Assembly; And whereas, the Auditor of State has refused to draw his warrant upon the Treasurer for the *per diem* of members upon the certificate of the proper officers of the House and Senate, alleging as a reason therefor, that he had taken official notice that the General Assembly had taken a recess and would not draw such warrants as the resolution of this General Assembly directed; therefore,

*Be it resolved, the Senate concurring therein, That the Aud-*

itor of State be directed to draw his warrant upon the Treasurer of State for the *per diem* of members as certified by the presiding officers thereof.

---

## CHAPTER IV.

A JOINT RESOLUTION for the relief of certain counties, and county auditors from the penalties prescribed in section 117 of an act to provide for a general system of Common Schools, &c., approved March 11th, 1861, and directing the Superintendent of Public Instruction to make the next apportionment of school revenue without reference to the diminution authorized by said section 117.

*Be it resolved by the General Assembly of the State of Indiana,* That the Superintendent of Public Instruction is hereby authorized and instructed to make the first apportionment of the school revenue for the year 1861, to the several counties of the State, without reference to the diminution of \$100 authorized in certain cases by section 117 of an act entitled "an act to provide for a general system of common schools, the officers thereof, and their respective powers and duties and matters properly connected therewith, and for the establishment and regulation of township libraries, and to repeal all laws inconsistent therewith," approved March 11th, 1861, and that all counties and county auditors are hereby relieved and exempted from the penalties prescribed in said section 117, which may have been incurred by reason of the failure of any county auditor to make the semi-annual report required on the 3d Monday of April, 1861, by section 115 of said act.

## CHAPTER V.

A JOINT RESOLUTION authorizing and requiring the Secretary of State to publish and circulate in the several counties of this State the acts passed at the last regular session of the General Assembly of this State, and giving certain directions to clerks of Circuit Courts in relation thereto.

*Be it resolved by the General Assembly of the State of Indiana,* That the Secretary of State be, and he is hereby, authorized and required to immediately have prepared and forwarded to each of the Clerks of the Circuit Courts of this State a printed and stitched copy of the Acts passed at the last regular session of the General Assembly, and each Clerk of said several Circuit Courts shall deposit the same in his office, and make an entry thereof in the order book of said Courts, and forthwith return to the Secretary of State his certificate that the same has been so received and deposited.

---

## CHAPTER VI.

A JOINT RESOLUTION authorizing the payment of money, by way of advance, to the Six Regiments of Indiana Volunteers, known as the three months' men.

WHEREAS, The six regiments of Indiana Volunteers, known as the *three months' men*, have been ordered into active service, and a portion of them are now about to march to their field of service:

AND WHEREAS, Said troops have been in camp for a month, and will not, under the rules and regulations of the United States army, receive any portion of their pay for some time:

AND WHEREAS, It is desirable that the volunteers of the State of Indiana should not be sent to the field without the means of procuring the necessary comforts not provided under the rules and regulations of the army: Therefore,

*Be it resolved by the General Assembly of the State of Indiana,* That the Treasurer pay to the commanding officer of each of the six regiments in the three months' service the sum of three thousand eight hundred and fifty dollars, to be by the said commanding officer distributed equally to the privates, musicians, non-commissioned, and commissioned company officers of each regiment.

*Resolved further,* That the commanding officer of each company furnish to the commanding officer of his regiment a company pay roll, upon which shall be entered opposite the name of each private and officer the amount of money paid to him, which pay rolls shall be filed by said officer in the office of the Treasurer of State at the earliest convenience of the commanding officer of the regiment.

*Resolved further,* That the sums of money hereby authorized to be paid shall be considered part of the money known as the military fund in the general appropriation bill.

*Resolved further,* That the money hereby directed to be paid shall be considered as an advance on behalf of the United States, to be returned out of the money first paid to the said troops.

STATE OF INDIANA, }  
OFFICE OF THE SECRETARY OF STATE. } To-wit:

I hereby certify that I have compared the foregoing printed with the enrolled acts and joint resolutions, from which they were taken, on file in my office, and have found them correctly printed. A few words, designated [thus], were inserted by me.

In testimony whereof, I have hereunto set my hand and affixed the Seal of State, at the city of Indianapolis, this 6th day of July, 1861.

[SEAL.]

W. A. PEELLE, *Secretary of State.*





# INDEX.

---

## A

### ADJUTANT GENERAL—

Must report to General Assembly.....	5
Must furnish Paymaster with company rolls of Six Regiments.....	73
Must furnish Paymaster with company rolls of Militia.....	73
Duties in reference to the Six Regiments.....	97

### ADMINISTRATORS—

[See Executors and Administrators.]

### AGENCIES OF STATE—

May be discontinued .....	19
---------------------------	----

### APPROPRIATIONS—

Additional general, for 1861 and 1862.....	3
For payment of auditing committee.....	4
For State Printing prior to 1861 .....	4
For purchase of arms and war expenses.....	5, 13, 47
For Insane Hospital.....	6
For Legislative expenses, special session.....	6
Additional specific, for 1861.....	7
For payment of debt to Branch Bank.....	16
For payment of loan of two millions.....	51
For the Militia.....	53
For State Prisons for the year 1861 .....	82

### ARMS—

May be procured by the Governor.....	13
May be distributed to cities and towns.....	20
Bonds to be given for return of.....	20

### ASYLUMS FOR THE POOR—

How disposed of when the county seat is relocated.....	29
--	----

### ATTACHMENT—

Officers may be summoned as garnishees .....	32
--	----

### ATTORNEY GENERAL—

His duties, salaries and fees .....	14
-------------------------------------	----

## ATTORNEYS, DISTRICT—

Salary and fees of.....	39
Must report amount of fees to Auditor of State .....	43, 44

## ATTORNEY, PROSECUTING—

Fees of, in certain cases.....	40
Must report amount of fees to Auditor of State.....	43

## AUDITOR OF STATE—

Shall draw for money for war expenses.....	4, 5, 47
Committee to control.....	4
Deposit of State bonds by, legalized.....	16
Shall file certain vouchers and charge Treasurer.....	18
Register and destroy unsold bonds .....	19
Report to Legislature fees of other officers.....	43, 44
With Governor and Treasurer borrow money.....	46
Not pay war claims till audited by committee.....	4
Draw for money on requisition of Paymaster.....	73

## AUDITOR, COUNTY—

Shall report amount of fees to Auditor of State. ....	43, 44
Duty of, in settlement of taxes.....	91
How duplicate made out.....	92
General duties in reference thereto.....	93, 95

## AUDITING COMMITTEE—

Shall audit certain war claims before payment.....	4
--	---

## B

## BONDS—

Of the State, to be issued by the Governor .....	16
Commissioners to negotiate.....	17, 18
When to be cancelled.....	19
Of loan commissioners.....	18
Of the State, deposit of by Auditor legalized .....	15
Of United States, may be exchanged for State bonds .....	52

## C

## CITIES—

Appropriations by, for arms, legalized .....	22
May levy taxes to pay for arms.....	22
May support families of volunteer soldiers.....	22
Shall give bond for return of public arms.....	20
May build prisons .....	21

## CLERKS OF COURTS—

Must report amount of fees to Auditor of State .....	43, 44
--	--------

## COMMISSIONERS OF SINKING FUND—

Shall purchase State bonds .....	18, 19
Report to Legislature bonds purchased .....	19
Duty of, in relation to certain bonds and funds.....	51

## COMMISSIONERS TO MAKE CONVEYANCES—

May be appointed by Circuit or Common Pleas Court.....	23
--	----

## COMMISSIONERS, COUNTY—

May appropriate money for arms, &c.....	22
May support families of volunteer soldiers.....	22
Appropriations by, for arms, &c., legalized.....	22
May levy tax to pay for arms, &c.....	22

## COMMISSARY GENERAL—

How to procure subsistence stores .....	85
Penalty for violating act .....	87
To give bond.....	87

## COMMISSIONERS TO NEGOTIATE STATE BONDS—

[See Loan Commissioners.]

## COMMITTEE, AUDITING—

Shall audit certain war claims.....	4
-------------------------------------	---

## COUNTY SEATS—

Act relating to relocation of.....	28
------------------------------------	----

## COURTS, CIRCUIT—

May appoint Commissioners to make deeds .....	23
Time of holding in county of Owen .....	31
“ “ in Eleventh Circuit, Grant county .....	31
“ “ “ “ Huntington county.....	32
“ “ “ “ Wabash county.....	32
“ “ “ “ Miami county.....	33
“ “ “ “ Cass county.....	32
“ “ “ “ Carroll county.....	32

## COURT OF COMMON PLEAS—

May appoint Commissioners to make deeds.....	22
Time of holding in counties of Adams, Wells, Huntington and Allen.....	34
“ “ “ “ Hamilton, Tipton, Howard, Clinton and Grant .....	35
“ “ “ “ Blackford, Delaware, Randolph and Jay .....	36
“ “ “ “ Owen, Greene, Putnam and Clay.....	37
“ “ “ “ Carroll, Tippecanoe, Benton and White.....	38

## D

## DISTRICT ATTORNEY—

Fees and Salary of.....	39
-------------------------	----

## DRAINS—

[See Levees.]

## E

## EVIDENCE—

[See Witness.]

## EXECUTION—

Real estate sold on, may be redeemed .....	79
--	----

## EXECUTORS AND ADMINISTRATORS—

May have commissioners to make deeds appointed.....	23
May sue for purchase money of real estate.....	23

## F

## FEES—

Of Attorney General.....	14
Loan Commissioners .....	18
Prosecuting Attorney.....	39, 40, 43
District Attorney.....	39, 43

**FEES—Continued.**

County Treasurers.....	42
Clerk of Supreme, Circuit and Common Pleas Courts.....	43
Sheriffs.....	43
County Auditors, Treasurers and Recorders.....	43

**FELONY—**

Certain acts declared to be.....	44, 45, 46
----------------------------------	------------

**G****GEOLOGIST OF STATE—**

Member of State University Faculty.....	89
---	----

**GOVERNOR—**

Shall report expenditures to Legislature.....	5
Order payment of money for war expenses.....	5
Report disbursements of war fund.....	5
Borrow money and buy arms.....	13
Issue bonds of the State.....	16, 18
Approve bonds of Loan Commissioners.....	18
Distribute arms to cities and towns.....	20
With Auditor and Treasurer borrow money.....	46
To direct removal of convicts from Southern to Northern State Prison.....	81
May direct employment of convicts to manufacture arms, &c.....	81
Arms, &c., manufactured in Southern Prison by order of Governor and Directors.....	82
To approve Quartermaster's and Commissary's bonds.....	87
To call into active service six regiments of volunteers.....	97

**H****HOSPITAL FOR THE INSANE—**

Appropriation for.....	6
------------------------	---

**I****INSPECTOR GENERAL—**

Duties as to subsistence stores.....	86
--------------------------------------	----

**J****JAILS, COUNTY—**

May be used by Towns and Cities.....	21
--------------------------------------	----

**JOINT RESOLUTIONS—**

Arms to be sent to certain counties.....	99
Governor to procure medical aid for soldiers.....	100
State Auditor to draw warrants, &c.....	100
Certain counties relieved.....	100
Secretary of State to forward to Clerks laws.....	102
Advancement to Three Months' Volunteers.....	102

**L****LEGION, INDIANA—**

Act for the organization of.....	52
Appropriation for.....	53
Organization of.....	54
Officers of, field and general.....	54
Volunteers, how mustered into.....	55
Arms and equipments for companies.....	56
Elections in.....	57

**LEGION, INDIANA—Continued.**

Bands of music in.....	58
Cavalry and Artillery.....	58
Uniform .....	59
Troops belonging to, in the State service.....	59
System of instruction in.....	59
Disbursing officers of.....	60
Companies in, may make by-laws.....	61
General Staff Officers of.....	61
Encampments of.....	61
Troops in, may be called out by civil authority.....	61
Special funds of .....	62
Councils of Administration.....	62
Resignations, dismissals and discharge.....	64
Courts Martial.....	65
Miscellaneous provisions concerning.....	70

**LEVEES AND DRAINS—**

Act relating to construction of .....	48
---------------------------------------	----

**LIBRARIAN, STATE—**

Shall report to Legislature .....	5
Law prescribing duties of amended.....	49
Certain acts, if done by, declared misdemeanors.....	50
To transfer Acts, Journals, &c., to State University.....	58

**LOAN COMMISSIONERS—**

Shall negotiate State bonds.....	17
Other powers and duties of.....	18, 19
Compensation of.....	18
Vacancy in Board of, how filled.....	18
Bonds of, to be filed with Auditor.....	18

**M****MILITARY—**

Six Regiments for State service.....	97
How organized .....	97
How divided.....	97
To receive three-quarters pay.....	98
May be retired by Governor.....	98

**MILITIA—**

General law for the organization of. [See Legion.].....	52
---	----

**MISDEMEANORS—**

Certain acts declared to be.....	44
[See Clerks, Sheriffs, Auditors, Treasurers, Records, Attorneys, Prosecuting, and Attorneys District.]	

**MOORE, JOSEPH—**

Act for the relief of .....	80
-----------------------------	----

**O****OFFICES, CIVIL—**

Shall be forfeited, when.....	44
-------------------------------	----

**OFFICERS, CIVIL—**

In military service, may have deputies .....	40
Must report fees to State Auditor.....	43
Failing to report fees, guilty of misdemeanor.....	43

## OFFICERS, STATE—

Debt contracted by them assumed .....	15
Deposite of State bonds by, legalized .....	15
May borrow money for war purposes .....	46

## P

## PAYMASTER TO SIX REGIMENTS OF STATE TROOPS—

Appointment, powers and duties of.....	73
--	----

## POOR HOUSE—

How disposed of when county seat changed.....	29
---	----

## PRACTICE—

[See Witness.]

## PRISONS—

Town and city, may be erected .....	21
County, may be used by towns and cities .....	21
Town, city and county, who may be confined in.....	21
By what law governed.....	21

## PROSECUTING ATTORNEYS—

[See Attorney, Prosecuting.]

## Q

## QUARTERMASTER GENERAL—

How to procure subsistence stores for Militia.....	85
Penalty for violating act.....	87
To give bond.....	87

## R

## RAILROADS—

Heretofore organized, time for completing extended.....	74
Street, act providing for construction of.....	75

## RAILROAD COMPANIES—

Process against may be served on various officers of.....	78
Street, act providing for organization of.....	75

## REAL ESTATE—

Sold on execution may be redeemed .....	79
---	----

## RECORDER, COUNTY—

Must report fees to Auditor of State .....	43
Failing to report fees, guilty of misdemeanor .....	44

## RELIEF—

Of Joseph Moore, act for.....	80
Salary of Attorney General.....	14
District Attorney.....	39

## REPEALED LAWS—

Sections 138, 139 and 140 of certain act repealed.....	91
“ 73 “ “ “ .....	91

## S

## SECRETARY OF STATE—

Shall attend and attest destruction of unsold bonds.....	19
--	----

## SCHOOLS, COMMON—

Sections 38, 126, 137 and 162 of act providing for, amended.....	24
Section 138 of same act repealed.....	24
Sections 54 and 56 of same act amended.....	27

## SEMINARIES OF LEARNING—

Are corporations.....	29, 30
Powers of Trustees of.....	30

## SINKING FUND—

Commissioners of, shall buy State Bonds .....	18
[See Tax].....	19
Commissioners of to apply tax to War debt .....	51

## SHERIFFS—

Must report fees to Auditor of State.....	43, 44
Failing to report fees, guilty of misdemeanor.....	44

## STATE PRISON—

Convicts from the Southern to the Northern Prison .....	81
Male convicts from certain counties sent to the Northern Prison.....	81
Directors of Southern Prison may hire labor of convicts .....	82
Proceeds paid into State Treasury .....	82
Superintendent of Northern Prison may hire mechanics.....	82
Thirty thousand dollars appropriated for year 1861 for Northern Prison.....	82
Eight thousand five hundred for Southern Prison for 1861.....	82

## STATE AGENCY—

May be discontinued .....	19
---------------------------	----

## SUBSISTENCE FOR ARMY—

How procured.....	85
-------------------	----

## SWAMP OR WET LANDS—

May be drained, and how.....	83
------------------------------	----

## T

## TAX, STATE—

To pay principal and interest of State bonds .....	19
Excess of to be paid into Sinking Fund.....	19
Levied for State debt Sinking Fund, applied to \$2,000,000 loan.....	51

## TAX, CITY—

To pay for arms, &c.....	22
--------------------------	----

## TAX, TOWN—

To pay for arms, &c.....	22
--------------------------	----

## TAX, COUNTY—

To pay for arms, &c.....	21
Assessment and valuation of property .....	90
Duties of County Auditor .....	91
“ “ “ Treasurer.....	91
Delinquent tax paid into county treasury.....	91

## TOWNS—

May appropriate money and levy tax for arms, &c.....	22
Shall give bond for return of arms, &c.....	20
May erect prisons or use county jails.....	21
Appropriations by for arms &c. legalized.....	22
Incorporation of legalized.....	47

## TREASON—

How punished.....	44, 45, 46
Defined.....	84
Two witnesses necessary to conviction.....	84
Where trial had.....	84
Penalty.....	84

## TREASURER, COUNTY—

Must report fees to Auditor of State.....	43
Failing to report fees, guilty of misdemeanor.....	44
Duties of in settlement of taxes.....	91
Duties upon receiving duplicate.....	93
Fees for collection.....	94

## TREASURER OF STATE—

Must report to Legislature.....	5
Must attest destruction of unsold bonds.....	19
With Governor and Auditor may borrow money.....	46

## U

## UNIVERSITY, STATE—

Trustees to enlarge Cabinet, and how.....	88
State Librarian to transfer books.....	88
Contingent fee on Scholarships regulated.....	89
Provision for the purchase of the same.....	89

## W

## WITNESS—

May be impeached, when and how.....	<del>39</del>
-------------------------------------	---------------

51